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general

ACTS OF A GENERAL NATURE,

PASSED BY THE

FORTIETH GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

COMMENCING

DECEMBER 6, 1841,

AND

IN THE FORTIETH YEAR OF SAID STATE.

VOL. XL.

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1842.

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ACTS OF A GENERAL NATURE.

AN ACT

To amend the act entitled "An act to create the office of Township Assessor," passed March 20, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter it shall be the duty of township assessors, in the counties named in the seventeenth section of the act to which this is an amendment, in taking the list of cattle and horses, to take the same in the name of such persons as shall own the same on the first day of January, in each year; any thing in the seventeenth section of the act to which this is an amendment to the contrary notwithstanding.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 5, 1842.

AN ACT

Making temporary appropriations for certain purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and the same are hereby appropriated, to be paid out of any moneys in the treasury, not otherwise appropriated, for the purposes hereinafter specified, viz:

For the payment of judges of the supreme court, president judges of courts of common pleas, and reporters of court in bank, a sum not exceeding seven thousand dollars;

For the payment of members of the general assembly, their clerks, messengers, and door keepers, a sum not exceeding ten thousand dollars;

For brigade inspectors, adjutant and quarter master generals, a sum not exceeding fifteen hundred dollars;

For the distribution of laws and journals, including the distribution of collated laws, a sum not exceeding eight hundred dollars;

For the payment of treasurers' mileage, a sum not exceeding one thousand dollars;

For balance of repairs of public offices, a sum of thirty six dollars;

For paper, and printing of collated statutes, a sum of two thousand fifty eight dollars, and twenty six cents.

SEC. 2. That the foregoing appropriations are in addition to the unexpended balances of former appropriations, for the purposes aforesaid, remaining in the treasury on the fifteenth day of November, 1841.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN.

Speaker of the Senate.

January 11, 1842.

AN ACT

To amend the act to provide for the sale of lands forfeited to the State, for the non-payment of taxes, passed March 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the county auditor of each county in this state, on or before the first Monday in June next, to make out and publish, for three successive weeks, in some newspaper printed or of general circulation in his county, an accurate list of all lands and town lots forfeited to the state of Ohio, for the nonpayment of taxes, with the amount due on each tract or lot, and which have not been sold or redeemed under the provisions of the acts in force for that purpose; to which list he shall append a notice, that if the owner or owners of said lands or lots, his, her, or their legal heirs, representatives, or assigns, shall not proceed to redeem said lands prior to the first day of January, 1843, by paying the taxes, interests, and penalties due at the time of such notice, together with taxes of the year 1842, all such lands and lots will be returned to the auditor of state as reforeited to the state of Ohio, which notice, with a certificate of its legal publication, it shall be the duty of the auditor, within thirty days, to record in his office, and forthwith forward a copy of such record, with the addition of the taxes of the year 1842 to each tract or lot, by mail to the auditor of state; and the expense of publishing such notice, shall be paid by the county, and ap-

County auditors to make publication of forfeited lands.

portioned between the county and state in the annual settlement of the treasurer, in the same manner as the expense of publishing the list of delinquent lands.

SEC. 2. It shall be lawful for any owner or owners of such lands or town lots, his, her, or their legal heirs, representatives, or assigns, on or before the first day of January, 1843, to pay into the county treasury, upon the certificate of the county auditor, or into the state treasury upon the certificate of the auditor of state, the amount due upon any tract or tracts, or lot or lots so advertised as forfeited to the state, together with the taxes of the year 1842; and upon such payment into the county treasury, the treasurer shall give duplicate receipts, one of which shall be deposited with the auditor of the county, upon which he shall charge the treasurer with the amount, and upon presentation of the other to the auditor of state, or when such payment shall have been made into the state treasury, upon presentation of the receipt of the treasurer of state, it shall be the duty of the auditor of state to execute to such owner or owners, his, her, or their legal heirs, representatives, or assigns, under the seal of his office, a release of the forfeiture, with all the right, title, and interest which the state of Ohio, by means of such forfeiture, had acquired in the premises therein described.

Owners authorized to redeem forfeited lands, on or before the first day of January, 1843, and state auditor to execute release.

SEC. 3. That it shall be the duty of the county auditor, on or before the 15th day of January, 1843, to forward to the auditor of state a certified list of all lands or town lots redeemed in his county under the provisions of this act, with the amount paid for such redemption, and the amount accruing to the state of Ohio; which amount shall be paid into the state treasury by the county treasurer, at his annual settlement, in the same manner as moneys are now paid from the same source; and the auditor of state shall, in like manner, immediately after the first day of January, notify the auditor of each county of the lands or lots in such county redeemed at the state treasury, with the amount due the county; which amount shall be paid to the county treasurer on settlement, on the order of the county auditor, in the same manner as taxes collected through the state treasury.

County auditors to forward to the auditor of state, by 15th January, 1843, a certified list of lands redeemed.

SEC. 4. That the county auditor shall, at the same time, certify to the auditor of state a list of lands and town lots in his county, remaining unredeemed on the first of January, 1843, which list the auditor of state shall correct, by striking therefrom such lands or lots as may have been redeemed at his office, and proceed to record the same; and all such lands or town lots so remaining unredeemed shall be declared and held as forfeited to the state of Ohio, for the non-payment of taxes, and thenceforth all the right, title, claim, and interest of the former owner or owners thereof shall be considered as transferred to, and vested in said state; provided, such lands or town lots shall be subject at any time before sale thereof,

County auditors to certify to auditor of state, list of lands unredeemed, which are to be held as forfeited to the state—subject to redemption, &c.

to the right of redemption, according to the laws of the state, such redemption being regulated in all things relating to the duties of auditors and treasurers of counties, and the auditor and treasurer of state, by the provisions of this act.

Auditor of state to forward list of forfeited lands to county auditors.

SEC. 5. That it shall be the duty of the auditor of state to transmit to the auditors of the several counties, on or before the first Monday of June, in the year 1843, lists of all lands and town lots in their respective counties thus forfeited to the state; and the county auditor shall proceed to advertise and sell the same, and make return thereof, in all respects according to the provisions of the act to which this is an amendment; and all lands not sold at the first sale in December, 1843, shall be continued on the duplicate, and again offered at the succeeding sale, as pointed out in the fifth section of the aforesaid act, without further direction from the auditor of state; provided, that it shall be the further duty of the county auditor to forward to the auditor of state a certified copy of his sale lists, and other proceedings under this act and the act to which this is an amendment.

Auditor of state to keep record, and forward list of lands hereafter forfeited, in alternate years.

SEC. 6. That it shall be the duty of the auditor of state to open and keep up the records required by the act before recited, and by this act, and to send out for sale, in alternate years, the lands and town lots hereafter forfeited to the state, and to be governed in all things in the future disposition of such lands and lots, where the same does not conflict with the provisions herein contained, by the provisions of said act.

Lands redeemed to be transferred on county duplicate.

SEC. 7. That, upon the redemption of any such lands or lots, or the sale thereof under the provisions of this act, the county auditor shall transfer the same on his duplicate from the state of Ohio, to the proper owner or purchaser thereof; for which transfer he shall not be entitled to receive fees.

Act repealed.

SEC. 8. That so much of the act to which this is an amendment, as conflicts with the provisions of this act be, and the same is hereby repealed; provided, that nothing in this act contained shall be construed as repealing or superseding the provisions of the 47th section of the act prescribing the duties of county auditors, passed March 23, 1840, requiring the county auditors to make separate returns of all forfeited lands and lots to the auditor of state, and preserve the same on the duplicate, in the name of the state of Ohio.

Auditor of state to forward copy of this act by mail.

SEC. 9. That the auditor of state, immediately on the passage of this act, shall forward a copy of the same by mail to the auditor of each county in the state.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 15, 1842.

AN ACT

Fixing the times of holding the Supreme Court, for the year 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the supreme court shall be holden in the several counties in this state, at the times hereinafter mentioned, to wit: in the county of Columbiana, on the twenty eighth day of February; in the county of Jefferson, on the third day of March; in the county of Belmont, on the seventh day of March; in the county of Washington, on the eleventh day of March; in the county of Meigs, on the fourteenth day of March; in the county of Gallia, on the sixteenth day of March; in the county of Lawrence, on the nineteenth day of March; in the county of Scioto, on the twenty first day of March; in the county of Adams, on the twenty fourth day of March; in the county of Brown, on the twenty eighth day of March; in the county of Clermont, on the thirty first day of March; in the county of Hamilton, on the fourth day of April; in the county of Butler, on the second day of May; in the county of Warren, on the fourth day of May; in the county of Clinton, on the seventh day of May; in the county of Highland, on the twelfth day of May; in the county of Fayette, on the sixteenth day of May; in the county of Madison, on the nineteenth day of May; in the county of Clark, on the twenty first day of May; in the county of Greene, on the twenty third day of May; in the county of Montgomery, on the twenty sixth day of May; in the county of Preble, on the sixth day of June; in the county of Darke, on the eighth day of June; in the county of Miami, on the tenth day of June; in the county of Shelby, on the thirteenth day of June; in the county of Mercer, on the sixteenth day of June; in the county of Allen, on the eighteenth day of June; in the county of Hardin, on the twentieth day of June; in the county of Logan, on the twenty second day of June; in the county of Champaign, on the twenty fourth day of June; in the county of Union, on the twenty seventh day of June; in the county of Delaware, on the twenty eighth day of June; in the county of Marion, on the thirtieth day of June; in the county of Crawford, on the second day of July; in the county of Seneca, on the fourth day of July; in the county of Hancock, on the sixth day of July; in the county of Putnam, on the seventh day of July; in the county of Vanwert, on the ninth day of July; in the county of Paulding, on the eleventh day of July; in the county of Williams, on the thirteenth day of July; in the county of Henry, on the sixteenth day of July; in the county of Lucas, on the eighteenth day of July; in the county of Wood, on the twenty first day of July; in the county of Sandusky, on the twenty fifth day of July; in the county of Erie, on the twenty seventh day of July; in the county of Ottawa, on the thirtieth day of July; in the county of Huron, on the first day of August; in the county of Lorain, on the fifth

Times of holding the supreme court.

day of August; in the county of Cuyahoga, on the eighth day of August; in the county of Geauga, on the nineteenth day of August; in the county of Lake, on the twenty fourth day of August; in the county of Ashtabula, on the twenty seventh day of August; in the county of Trumbull, on the first day of September; in the county of Portage, on the seventh day of September; in the county of Summit, on the tenth day of September; in the county of Medina, on the fourteenth day of September; in the county of Wayne, on the sixteenth day of September; in the county of Richland, on the nineteenth day of September; in the county of Knox, on the twenty third day of September; in the county of Licking, on the twenty sixth day of September; in the county of Coshocton, on the third day of October; in the county of Holmes, on the fifth day of October; in the county of Tuscarawas, on the seventh day of October; in the county of Stark, on the tenth day of October; in the county of Carroll, on the seventeenth day of October; in the county of Harrison, on the twentieth day of October; in the county of Monroe, on the twenty fourth day of October; in the county of Guernsey, on the twenty seventh day of October; in the county of Muskingum, on the thirty first day of October; in the county of Morgan, on the seventh day of November; in the county of Perry, on the tenth day of November; in the county of Fairfield, on the twelfth day of November; in the county of Hocking, on the sixteenth day of November; in the county of Athens, on the eighteenth day of November; in the county of Jackson, on the twenty first day of November; in the county of Pike, on the twenty third day of November; in the county of Ross, on the twenty fifth day of November; in the county of Pickaway, on the thirtieth day of November; in the county of Franklin, on the third day of December; and the the court in bank on the fifth day of December. And the said court is hereby authorized, when business shall require it, to continue its term in any county beyond the time allotted for holding court in said county.

Court in bank,
when holden.

Proviso for
Sundays.

Act repealed.

SEC. 2. That if the commencement of the term of said court shall be on Sunday, such term shall commence on the next day thereafter.

SEC. 3. That the act passed February eighteenth, one thousand eight hundred and forty one, entitled "an act fixing the times of holding the supreme court," is hereby repealed.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 23, 1842.

AN ACT

Fixing the times of holding the Courts of Common Pleas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas, in the first judicial circuit, shall be held as follows: In the county of Mercer, on the first day of March, the twenty first day of June, and the twenty seventh day of September; in the county of Darke, on the eighth day of March, the twenty sixth day of July, and the fourth day of October; in the county of Shelby, on the fifteenth day of March, the first day of August, and the twenty fourth day of October; in the county of Preble, on the twenty ninth day of March, the ninth day of August, and the eleventh day of October; in the county of Montgomery, on the twelfth day of April, the twenty third day of August, and the first day of November; in the county of Miami, on the tenth day of May, the thirteenth day of September, and the twenty second day of November.

Times of holding courts of common pleas; First circuit.

SEC. 2. That the courts of common pleas, in the second circuit, shall be held as follows: In the county of Seneca, on the twenty eighth day of February, and the twenty ninth day of August; in the county of Sandusky, on the fourteenth day of March, the sixteenth day of May, and the twelfth day of September; in the county of Huron, on the twenty first day of March, the sixteenth day of June, and the third day of October; in the county of Erie, on the thirty first day of March, the sixth day of June, and the twenty sixth day of September; in the county of Crawford, on the twelfth day of April, the eleventh day of July, and the twenty fourth day of October; in the county of Marion, on the eighteenth day of April, the eighteenth day of July, and the thirty first day of October; in the county of Ottawa, on the thirtieth day of May, and the twenty first day of September.

Second circuit—time of holding court therein.

SEC. 3. That the courts of common pleas shall be holden in the third circuit, as follows: In the county of Summit, on the fifteenth day of March, the twenty fourth day of May, and the twentieth day of September; in the county of Portage, on the twenty ninth day of March, the seventh day of June, and the fourth day of October; in the county of Ashtabula, on the twelfth day of April, the fourteenth day of June, and the eighteenth day of October; in the county of Trumbull, on the twenty sixth day of April, the twenty first day of June, and the first day of November.

Third circuit—time of holding court therein.

SEC. 4. That the courts of common pleas shall be holden in the fourth circuit, as follows: In the county of Muskingum, on the fourteenth day of March, the sixth day of June, and the fifth day of September; in the county of Perry, on the eleventh day of April, the twenty seventh day of June, and

Fourth circuit—time of holding court therein.

the third day of October; in the county of Coshocton, on the seventh day of March, the eighth day of August, and the seventeenth day of October; in the county of Licking, on the sixteenth day of May, the fifteenth day of August, and the fourteenth day of November.

Fifth circuit—
time of holding
court therein.

SEC. 5. That the courts of common pleas, in the fifth circuit, shall be holden as follows: In the county of Tuscarawas, on the fourteenth day of March, the sixth day of June, and the twenty sixth day of September; in the county of Carroll, on the twenty first day of March, the thirteenth day of June, and the third day of October; in the county of Columbiana, on the fourth day of April, the twenty second day of August, and the seventh day of November; in the county of Stark, on the eighteenth day of April, the fifth day of September, and the twenty first day of November.

Sixth circuit—
time of holding
court therein.

SEC. 6. That the courts of common pleas, in the sixth circuit, shall be holden as follows: In the county of Ross, on the fourteenth day of February, on the ninth day of May, and on the fifth day of September; in the county of Fairfield, on the twenty eighth day of February, on the twenty third day of May, and on the twenty sixth day of September; in the county of Pike, on the twenty first day of March, on the twentieth day of June, and on the tenth day of October; in the county of Jackson, on the twenty eighth day of March, on the twenty seventh day of June, and on the seventeenth day of October; in the county of Hocking, on the fourth day of April, on the fourth day of July, and on the twenty fourth day of October; in the county of Pickaway, on the eleventh day of April, on the sixth day of June, and on the thirty first day of October.

Seventh circuit
—time of hold-
ing court there-
in.

SEC. 7. That the courts of common pleas in the seventh circuit, shall be holden as follows: In the county of Butler, on the fourteenth day of February, the seventeenth day of May, and the sixth day of September; in the county of Greene, on the seventh day of March, the seventh day of June, and the twenty seventh day of September; in the county of Warren, on the twenty eighth day of March, the fifteenth day of August, and the fourteenth day of November; in the county of Clinton, on the eleventh day of April, the twenty fifth day of July, and the twenty fifth day of October.

Eighth circuit
—time of hold-
ing court there-
in.

SEC. 8. That the courts of common pleas, in the eighth circuit, shall be holden as follows, to wit: In the county of Scioto, on the fourth day of April, on the twentieth day of June, and the nineteenth day of September; in the county of Lawrence, on the eighteenth day of April, on the fourth day of July, and the third day of October; in the county of Gallia, on the twenty fifth day of April, on the eleventh day of July, and the tenth day of October; in the county of Meigs, on the ninth day of May, on the eighteenth day of July, and the twentieth day of October; in the county of Athens,

on the twenty second day of March, on the twenty fifth day of July, and on the twenty seventh day of October; in the county of Morgan, on the twenty eighth day of February, on the eleventh day of August, and the twenty first day of November; in the county of Washington, on the sixteenth day of May, on the first day of August, and the ninth day of November.

SEC. 9. That the courts of common pleas for the tenth circuit, shall be holden as follows: In the county of Fayette, on the seventh of March, the eleventh of July, and the nineteenth of September; in the county of Highland, on the fourteenth of March, the eighteenth of July, and the third of October; in the county of Adams, on the eighteenth of April, the first of August, and the seventeenth of October; in the county of Brown, on the twenty fifth of April, the eighth of August, and the twenty fourth of October; in the county of Clermont, on the fourth of April, the twenty second of August, and the fourteenth of November.

Tenth circuit—
time of holding
court therein.

SEC. 10. That the courts of common pleas for the eleventh circuit, shall be holden as follows, to wit: In the county of Holmes, on the second day of March, the sixteenth day of May, and the twelfth day of September; in the county of Wayne, on the fourteenth day of March, the twenty third day of May, and the twenty sixth day of September; in the county of Medina, on the twenty eighth day of March, on the thirtieth day of May, and the tenth day of October; in the county of Knox, on the fifth day of April, on the thirteenth day of June, and the twenty fourth day of October; in the county of Richland, on the eighteenth day of April, on the twenty seventh day of June, and the seventh day of November.

Eleventh cir-
cuit—time of
holding court
therein.

SEC. 11. That the courts of common pleas, in the twelfth circuit, shall be holden as follows, to wit: in the county of Franklin, on the twenty second day of February, the third day of May, and the twenty ninth day of September; in the county of Clark, on the eighth day of March, on the twenty fourth day of May, and the sixth day of September; in the county of Champaign, on the fifteenth day of March, on the thirty first day of May, and the twentieth day of September; in the county of Madison, on the twenty ninth day of March, on the seventh day of June, and the thirteenth day of September; in the county of Delaware, on the fifth day of April, on the thirteenth day of June, and the twelfth day of October; in the county of Logan, on the nineteenth day of April, on the twenty third day of August, and the first day of November; in the county of Union, on the twenty sixth day of April, on the thirtieth day of August, and the eighth day of November.

Twelfth circuit
—time of hold-
ing court there-
in.

SEC. 12. That the court of common pleas, in the thirteenth circuit, shall be holden as follows, to wit: in the county of Wood, on the twenty first day of March, on the sixth day of

Thirteenth cir-
cuit—time of
holding court
therein.

June, and the twenty fourth day of October; in the county of Lucas, on the twenty eighth day of March, the thirteenth day of June, and the thirty first day of October; in the county of Henry, on the eleventh day of April, and the twelfth day of September; in the county of Williams, on the eighteenth day of April, and the nineteenth day of September; in the county of Paulding, on the twenty fifth day of April, and the twenty sixth day of September; in the county of Putnam, on the twenty seventh day of April, and the twenty eighth day of September; in the county of Vanwert, on the second day of May, and the third day of October; in the county of Allen, on the fifth day of May, and the sixth day of October; in the county of Hardin, on the eleventh day of May, and the twelfth day of October; in the county of Hancock, on the sixteenth day of May, and the seventeenth day of October.

Fourteenth circuit—time of holding court therein.

SEC. 13. That the courts of common pleas shall be holden in the fourteenth judicial circuit, as follows: in the county of Lake, on the fifteenth day of March, the thirty first day of May, and the twentieth day of September; in the county of Geauga, on the twenty ninth day of March, the fourteenth day of June, and the fourth day of October; in the county of Lorain, on the twelfth day of April, the twenty eighth day of June, and the eighteenth day of October; in the county of Cuyahoga, on the twenty sixth day of April, the twelfth day of July, and the first day of November.

Fifteenth circuit—time of holding court therein.

SEC. 14. The courts of common pleas, in the fifteenth circuit, shall be holden as follows, to wit: in the county of Belmont, on the fourteenth day of March, the sixth day of June, and the fifth day of September; in the county of Monroe, on the fourth day of April, the twenty seventh day of June, and the twenty sixth day of September; in the county of Guernsey, on the eighteenth day of April, the eighteenth day of July, and the tenth day of October; in the county of Harrison, on the second day of May, the first day of August, and the thirty first day of October; in the county of Jefferson, on the sixteenth day of May, the fifteenth day of August, and the fourteenth day of November.

Proviso for Sundays.

SEC. 15. That if any of the days fixed by this act, for the commencement of any of said courts, shall be on Sunday, such term shall commence on the next day thereafter.

Special venire may issue.

SEC. 16. That the clerk of the court of common pleas, in any county where there is not sufficient time to draw jurors, and to issue writs of venire facias, as is now required by law, shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs at any time before the sitting of such court; and the court, when convened, may order such writs to be returned forthwith, and the sheriff of such county shall serve the same, and make return thereof, agreeably to the command of the same; and such service and return shall be

as valid, in law, as if such writ had been issued thirty days previous thereto; and all writs and process heretofore issued shall be returnable, and all cases pending shall be continued to the next term of the several courts, as provided in this act.

SEC. 17. If the court, in the eighth judicial circuit, shall not have completed its business at the time fixed for holding the court in any other county in the same circuit, the court may continue its term until the business be disposed of, for the purpose of doing probate and testamentary business, granting letters of guardianship, licenses for taverns and ferries, and for return of process.

Eighth circuit, term may be continued for probate and testamentary business.

SEC. 18. That the act fixing the times of holding the courts of common pleas, passed February twelve, one thousand eight hundred and forty one, and all acts amendatory thereto, be and the same are hereby repealed.

Repealing clause.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 15, 1842.

AN ACT

Further to amend the act entitled, "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the State of Ohio," passed February 25, 1839, and enforce the resumption and continuance of specie payments by the banks within the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any banking institution in this state, shall, after the taking effect of this act, fail or refuse, upon demand, made at its banking house or usual place of doing business, during banking hours, to redeem, with gold or silver coin, the value of which is fixed by the laws of the United States, any note, bill, check, certificate of deposit, or other evidence of debt, that has been issued, or may hereafter be issued, or put in circulation by, or on behalf of, such banking institution, calculated or intended to circulate as money or currency, such failure or refusal shall be deemed and taken as an abandonment and forfeiture of the charter of such banking institution, and of all franchises, powers, and privileges, conferred by its act or acts of incorporation; and for all acts done, or liabilities incurred, after such abandonment and forfeiture by, or on behalf of, such banking institution, the president, directors, and stockholders thereof shall be held jointly and severally liable in their individual and natural capacity. And every banking institution failing or refusing to make redemption, as aforesaid, shall, moreover, be deemed and taken to be insolvent, and shall, thereupon, be subject to the provisions con-

Banks refusing to redeem their notes, to be deemed to have forfeited their charters with all franchises, &c.; and president, directors, and stockholders, to be jointly and severally liable, &c.

tained in this act, and the act to which this is an amendment, and the act amendatory thereto, passed March twenty third, one thousand eight hundred and forty.

Banks having forfeited their charters, prohibited from making assignments.

SEC. 2. Whenever any bank shall have suspended, or refused the payment of its notes in gold or silver coin, or shall be in an insolvent or failing condition, or shall in any way have forfeited its charter, it shall not be lawful for any such bank, or any of its officers, to assign or transfer any of the property, assets, or choses in action, of such bank, to any person or persons, corporation or corporations, in payment of any debt, or for any purpose whatever; but every such assignment or transfer, as well as conveyances executed, payments made, judgments suffered, lien contracted, or security given by such bank when in a state of insolvency, or in contemplation of insolvency, or to prefer one creditor to another, or after forfeiture of charter, or suspension of specie payments, shall be held fraudulent and void as to the creditors of such bank.

Bank Commissioners to apply for writs of injunction and mandamus in certain cases.

SEC. 3. If the bank commissioners, or any one of them, shall ascertain from an examination made, or in any other manner, that after the taking effect of this act, any bank in this state has forfeited its charter, or has committed an act of insolvency, by refusing to redeem any of its notes or bills in gold or silver coin, or is in an insolvent or failing condition, or has become subject to the provisions of the seventh section of the act to which this act is an amendment, or to the provisions of the fifth section of the act amendatory of said act, passed March twenty third, A. D., one thousand eight hundred and forty, the said commissioners, or either of them, shall immediately apply to the proper authority for the writ of injunction and mandamus provided for in this act.

Proceedings against insolvent banks shall be by petition in chancery in the name of the state of Ohio, &c.

SEC. 4. That all proceedings by the bank commissioners, or either of them, against any bank that shall have become insolvent, or shall have forfeited its charter, or shall in any way be liable to be proceeded against by the bank commissioners, under any law of this state, shall be commenced by petition, as in chancery, in the name of the "State of Ohio, on relation of the Bank Commissioners," which petition shall state, substantially, the act of insolvency, or forfeiture of charter, or other act of such bank for which the proceedings shall be instituted. And it shall be the duty of the prosecuting attorney of the county in which such bank may be situated, on the request of the bank commissioners, or either of them, to prepare such petition, apply for a writ of injunction and mandamus, and conduct the proceedings in the cause on the part of the state; provided, that any other counsel, learned in the law, may be employed by the bank commissioners, or either of them, instead of such prosecuting attorney, when, in the opinion of such commissioner or commissioners, the public interest demands it; and such prosecuting attorney, or other counsel,

Prosecuting attorneys to apply for writs of injunction and mandamus —&c.

shall be allowed for his services in such cause, such amount as the court or courts, before which the proceedings are had, shall deem reasonable, to be taxed in the bill of costs, and paid, together with the other costs, out of the assets of the bank, in case it be found guilty of the violation complained of, and its affairs be decreed to be closed up; but if the state fail, such counsel fees shall be paid by the governor out of his contingent fund.

SEC. 5. The court of common pleas, if in session, or any president judge thereof in vacation, or any judge of the supreme court, shall, upon such petition being presented to him or them, allow a writ of injunction thereon, to restrain such bank, its officers, agents, and servants, from exercising any corporate rights, privileges, and franchises whatever, or from paying out, selling, transferring, or in any way disposing of the lands, tenements, goods, chattels, rights, credits, moneys, or effects, whatsoever of such bank, until further order; and upon such allowance being made, and indorsed by the judge upon such petition, the same shall be filed in the court of common pleas of the county where such bank may be situated, and all further proceedings thereon shall be had in said court; and, upon the filing of such petition, it shall be the duty of the clerk of such court to issue a writ of subpoena against such bank, as in cases in chancery, when injunctions are allowed, and the allowance and service of such writ shall have the same effect as in cases in chancery.

Courts of common pleas, or president judges to allow writs of injunction, &c.

Clerks to issue writs of subpoena against bank.

SEC. 6. If it shall appear by such petition, supported by the affidavit of the bank commissioners, or either of them, or of any other credible person:

Execution or decree unsatisfied, court of common pleas or president, or judge of supreme court, to allow writ of injunction and mandamus at their discretion.

First: That execution issued on any judgment or decree against any bank, has been returned unsatisfied, in whole or in part, for want of property being found, sufficient to satisfy the same; or,

Second: That payment in gold or silver coin has been refused by any bank, of any note or bill issued by such bank; or,

Third: That any bank has become subject to the provisions of the seventh section of the act entitled, "an act providing for a board of bank commissioners, and for the regulation of banks within the State of Ohio," or to the provisions of the fifth section of the act amendatory of the aforesaid act, passed March twenty third, one thousand eight hundred and forty, it shall be the imperative duty of the court of common pleas, or the president judge thereof, or judge of the supreme court, to whom such petition and affidavit may be presented, to allow the aforesaid writ of injunction, and to issue the writ of mandamus hereinafter mentioned; and such injunction and mandamus shall, in all other cases, be allowed at the discretion of such court or judge.

SEC. 7. It shall be the duty of the judge, or court, by whom such injunction shall be allowed, to issue, at the same time, a

Court or judge to issue a man-

mandamus to sheriff to close such bank and deliver to receivers, all property of such bank.

writ of mandamus to the sheriff of the county in which such bank may be situated, requiring him to close, forthwith, such bank, and deliver over to three receivers, to be named in said writ, (who shall not be stockholders of, nor in any wise connected, directly or indirectly, with such banking institution,) full possession of the banking house, keys, books, papers, lands, tenements, goods, chattels, moneys, choses in action, property and effects of such bank, of every kind and description whatever, and wheresoever the same may be found. And, in the execution of such writ, the sheriff, or other officer executing the same, may break open any house, outhouse, or other building in which property, money, or effects of such bank may be, having first made demand of entrance into such house or building.

Fact of insolvency or forfeiture of charter, to be decided by a trial by jury.

SEC. 8. It shall be the duty of the court of common pleas, in which the writ of injunction and mandamus may be returnable, at the return term thereof, to order an issue, or issues, to be made up in the same manner as issues are made up in chancery for the trial by jury of the fact or facts of insolvency, or forfeiture of charter, charged in such petition, which issues shall be tried at the same term, unless good cause to the contrary be shown by either party. And if such issue or issues shall all be found in favor of such bank, the court shall order the receivers to restore, forthwith, to such bank, whatsoever property or effects of such bank may have come to their hands, and remain in their possession; but no act done by the receivers, in the performance of their duties, shall be thereby invalidated, but shall remain valid. If such issues, or any of them, be found against such bank, the receivers shall proceed, forthwith, to close up the affairs of such bank, as required by law, and such bank shall never be put in operation again by any person or persons, whatever; and the court shall render a decree in such cases, for the costs of suit against such bank, which costs shall be paid out of its assets: and, on the trial of such issue, or issues, and in the further proceedings under such petition, the court may make and enforce such orders as may be necessary, and in accordance with the practice and usages in chancery.

Bill of exceptions and writs of certiorari allowed as in cases at law.

SEC. 9. The court of common pleas shall, when required, sign and seal bills of exceptions taken to any of its decisions or opinions given under this act, provided the same be presented during the term at which the decision or opinion complained of be made; and no bill of exception to any such decision or opinion shall be signed and sealed after that term, unless the court be required so to do by writ of mandamus. And, the proceedings of the court of common pleas shall be subject to review, on writ of error, or certiorari, as the case may require, by the supreme court, as in ordinary cases at law; but there shall be no appeal from the decision of the jury under the eighth section of this act; provided, that no judgment of re-

versal, pronounced by the supreme court in the premises, shall impair the validity of any act done by the receivers aforesaid, in discharge of the duties required of them by law.

SEC. 10. That any person, being a bona fide holder of any note or bill issued by any bank in this State, calculated or intended to circulate as money or currency, and payment of which in gold or silver coin shall have been refused by such bank, within banking hours; or, having a judgment or decree, on which an execution has been issued and returned, unsatisfied, in whole or in part, for want of property being found sufficient to satisfy the same, every such person may commence a suit by petition, as in chancery, against such bank; and it shall be the imperative duty of the court of common pleas, or the president judge thereof, or judge of the supreme court, to whom such petition may be presented, substantially setting forth either of said facts, and verified by the affidavit of the petitioner, to allow the writ of injunction, and to issue the mandamus provided for in this act, on the petition of the bank commissioners; and such writs shall be returnable, and receivers be appointed, and all further proceedings under said petition shall, in all respects, be similar to the proceedings under a petition filed by the bank commissioners.

Persons holding notes of banks, upon which payment is refused entitled to writs of injunction, &c., against said banks.

SEC. 11. Whenever any bill or petition shall be filed, or any application be made by the bank commissioners, or either of them, under the provisions of this act, against any banking institution in this state, the court shall, by injunction, on the application of either party, and at any stage of the proceedings, restrain all proceedings at law, by any creditor, against the defendants in such suit; and, whenever it may appear necessary or proper, shall order notice to be published in such manner as the court shall direct, requiring all the creditors of such bank to exhibit their claims to the receivers, (and, if necessary, to become parties to the suit,) within a reasonable time, not less than six months from the first publication of such order, and in default thereof, to be precluded from all benefit of the decree, which shall be made in such suit, and from any distribution which shall be made under such decree.

Upon proceedings being instituted against banks under the authority of bank commissioners, proceedings at law, by creditors to be restrained.

SEC. 12. Whenever the creditor of any bank in this State, or the receivers of such bank, shall seek to charge the president, directors, or other superintending officers of such bank, or the stockholders thereof, on account of any individual liability of such president, directors, officers, or stockholders, to pay any of the debts or liabilities of such bank, such president, directors, officers, or stockholders, may, in any stage of the aforesaid proceedings against such bank, be made parties thereto by supplemental bill, and such court shall possess full jurisdiction and power to enforce such liability.

Proceedings against banks may be amended by supplemental, so as to make officers and stockholders liable.

SEC. 13. The receivers who may be appointed to take possession of any bank, and its effects, under the provisions of this act, shall, before entering upon the discharge of their du-

Receivers to give bond, &c.

ties, give bond to the State of Ohio, in such sum, and with such security, as the judge or court appointing them may direct, for the faithful performance of their duty, according to law; and should any of the receivers so appointed, die, resign, be removed, or refuse to act, the judge, or court issuing such writ, may appoint a person, or persons, to fill such vacancy; and the bond of said receivers shall be filed with the clerk of the court of common pleas of the county in which such bank may be located, and may be sued on in the name of the State of Ohio, for the use of any person, or persons, aggrieved, in case the said receivers, or either of them, shall fail to perform their duties, according to law; and said court shall have power, at its discretion, to remove any, or all of such receivers, and appoint others in their stead, and to require of such receivers such additional bond and security as they may deem necessary; and the receivers so removed, shall, forthwith, deliver over to their successors in office, all the assets and effects of said bank then in their possession or custody.

Receivers powers, &c.

SEC. 14. The said receivers, in addition to the provisions of this act, shall also be governed by the provisions, and vested with the powers of the act to which this act is an amendment, which relate to the powers and duties of "special commissioners," and which are not repealed by this act.

Form of mandamus.

SEC. 15. The writ of mandamus, and the bond of the receivers, shall correspond, as nearly as may be, to the following forms:

Form of a writ of mandamus.

The State of Ohio, county, ss.

[SEAL] To the Sheriff of the county of greeting:

You are hereby commanded, forthwith, to take possession of the banking house occupied by [here name the bank] and its books, papers, keys, lands, tenements, goods, chattels, moneys, choses in action, property, and effects of every kind and description whatever, and wheresoever, in this State, the same may be found, and deliver the same unto [here name the receivers] upon their bond, in the sum of [amount required] dollars, being filed with the clerk of the court of common pleas of your county. And of this writ, and your service, make due return [at the next term of said court; or, forthwith, if issued in term time.] Witness my hand and seal [or, if issued by the court of common pleas, the seal of our said court,] this
day of A. D., 184 .

[A. B.] *President Judge of the circuit,*
[or, *Judge of the Supreme Court, as the case may be.*]

Form of Receiver's Bond.

Know all men by these presents, that we [naming the receivers and their sureties] are held and jointly and severally

bound unto the State of Ohio, in the sum of [amount required] dollars; to the payment of which said sum, well and truly to be made when thereunto required, we bind ourselves by these presents.

Form of receivers bond.

Sealed with our seals, and dated this day of
A. D., 184

The condition of this obligation is such, that, whereas, the above named have been appointed receivers to close up the affairs of the [naming the bank.] Now, if the said receivers shall well and faithfully perform and discharge the duties of such receivers, as required by law, then this obligation shall be void, otherwise to remain in full force and effect.

Attest:

[SEAL.]
[SEAL.]
[SEAL.]

SEC. 16. The stockholders, or such of them, as own a majority of the stock, may appoint an agent who shall be vested with the power and authority hereinafter mentioned.

Stockholders to appoint agent.

SEC. 17. The receivers, or any two of them, may change, add to, or alter the security of any of the assets of the bank, upon such terms as the said receivers, or a majority of them, and the said agent of the stockholders, may agree upon.

Receivers may change security with consent of agent.

SEC. 18. The receivers, or any two of them, may, with the concurrence of said agent of the stockholders, compound with persons who owe the bank, and give debtors a discharge upon receiving such part of the debt as the receivers, or any two of them, and the said agent, may deem beneficial to those interested in the assets of the bank; but such compounding and discharge shall not be valid until reported to, and confirmed by, the court.

Receivers and agents may compound, &c. with consent of court.

SEC. 19. The debts due the bank shall be divided into two classes; the first class shall consist of such debts as have not been contracted by the principal debtor, with a view to pay the same in the depreciated bills of such bank after the insolvency or failure of such bank; the second class shall consist of debts contracted by the principal debtor with a view to pay the same in the depreciated bills of such bank, after such insolvency or failure.

Debts divided into classes.

SEC. 20. The receivers, or any two of them, may, with the concurrence of the said agent of the stockholders, and the sureties of any debtor or debtors, require the debts of the first class to be paid in instalments, or deferred payments, of not less than twenty per centum, every ninety days, and upon such terms as the receivers, or any two of them, with the concurrence of the said agent of the stockholders, may deem for the safety of those interested; but the receivers shall, in all cases, reserve the right to immediately collect and sue for the whole amount of a debt when there shall be a failure to pay any one instalment or deferred payment.

Receivers, agent and debtors may agree to defer payments.

Debts of first class to be sued and mode of payment determined by jury.

SEC. 21. All debts which the receivers, or any two of them, shall be of opinion belong to the said second class, shall be immediately sued by the said receivers, if not paid, when due, in gold or silver coin, the value of which is fixed by the laws of the United States; and if, upon the trial of such suit, the jury shall find that the principal debtor did not contract the debt for which such suit is brought, with a view to pay the same in the depreciated bills of the bank as aforesaid, then the bills of the said bank may be set off, as is, or may be, by law provided in like cases; but if the jury shall find that the principal debtor contracted the debt with a view to pay the same in the depreciated bills of the bank, as aforesaid, that fact shall be entered upon the minutes of the court, with the verdict; and the jury shall not, in such cases, allow the bills of the bank as a set off; and the receivers shall require gold or silver coin, the value of which is fixed by the laws of the United States, in payment and discharge of the judgment rendered in the premises.

Manner of distributing proceeds, by receivers and trustees or assignees.

SEC. 22. The receivers who may be appointed under the provisions of this act, and the receiver or receivers that shall be appointed by any judge or court, in any other way, to take possession of the property and assets of a bank, and close its affairs, and any assignee or assignees, trustee or trustees, to whom may be assigned or committed, in any way, the property and assets of a bank for the purpose of settling its affairs, shall distribute the moneys arising from the property and assets of such bank in the manner, and in the order following, and in no other way, viz:

Costs and expenses.

First: To the payment of the necessary expenses and costs of settling the affairs of such bank, which shall be allowed by the court;

Redemption of notes and bills

Second: To the redemption of the notes and bills issued by such bank, calculated or intended to circulate as money or currency; to the payment of all judgments and decrees rendered and obtained against such bank, on any of the bills or notes issued by such bank, as aforesaid; and to the payment of deposits due to this state, or any county of this state;

Payment of deposits.

Third: To the payment of deposits due individuals;

Other debts.

Fourth: To the payment of all other debts of such bank, not being due to the officers and stockholders thereof;

Balance to stockholders.

Fifth: The balance of the property and assets of such bank, if any there be, shall be transferred to such person or persons as the stockholders of the bank may designate for that purpose, for the benefit of such stockholders, in such manner as the court, by order or decree, may direct; provided, that in all cases, if there be not sufficient realized by the said receivers, out of the assets and effects of such bank, to pay the debts of the class entitled to be paid as above, the receivers shall pay the creditors of that class rateably, in proportion to their respective claims under that particular class; provided, also, that

Proceeds insufficient, payment to be made rateably.

on the transfer, by order or decree of said court, of any remaining property or assets of a bank, provision shall be made by such court for the redemption of any notes or bills, issued as aforesaid, and outstanding against such bank, according to the accounts of such bank, but which may be supposed to be lost or destroyed.

SEC. 23. It shall be the duty of said receivers to declare and make a dividend every six months to the creditors of the bank which they may be appointed to close up, in the order stated in the twenty second section of this act, in proportion to the claims presented within the preceding six months. Notice of the time, when, and place, where, such dividend shall be made, shall be published in some newspaper printed in Columbus, in this state, and in some newspaper printed in the county in which such bank may be located, at least three weeks prior to the time of making such dividend.

Receivers to make dividend every six months; notice to be published, &c.

SEC. 24. All notes redeemed, as aforesaid, by said receivers, shall be by them burned, in the presence of the sheriff and auditor of the county in which such bank is located; and the said sheriff shall give to said receivers a certificate, countersigned by said auditor, of the amount and number of bills of each denomination, so destroyed, and that the same were burned in his presence, and shall file a duplicate with the clerk of the court of common pleas of said county. And the said receivers shall, on entering upon the discharge of their duties, burn, in like manner, in the presence of the sheriff and auditor, and take a like certificate therefor, all bank notes of the issues of such bank that may be on hand at the time they may take possession of such bank; and a duplicate thereof shall be filed by the sheriff with the clerk of the court, as aforesaid.

Notes redeemed to be burned.

SEC. 25. It shall be the duty of the court, in which the proceedings shall be had for closing a bank, to cause a final dividend of the assets of such bank, reduced to money, so far as may be necessary to pay the first, second, and third class of debts enumerated in the twenty second section of this act, to be made within two years from the time such bank shall have been proceeded against; and, to effect the same, it shall be the duty of such court, in case any part of the property, assets, and effects of such bank, should not have been previously realized and collected, to order a sale of the same, to be made by the said receivers, to the highest bidder for ready money.

Final dividend to 1st., 2d., and 3d. classes, to be rendered within two years.

SEC. 26. The said receivers shall, in no manner, directly or indirectly, engage in purchasing, or otherwise obtaining, at a discount, for their own use, or for the use of any other person, any note or notes, or other claims on the bank, the affairs of which they have been appointed to close up.

Receivers not to deal in notes or claims of bank.

SEC. 27. If any such receiver, or bank commissioner, shall convert to his own use, embezzle, loan, or otherwise fraudulently dispose of, any of the money, or effects, of any such insolvent bank, which may come into his hands as such receiver

Commissioners or receivers embezzling or loaning funds, to be imprisoned.

ed in peniten-
tiary.

In all suits
against banks
or bankers,
judgment shall
be rendered at
appearance
term on ap-
peals from judg-
ment of justi-
ces; twenty
five per cent.
penalty allow-
ed.

Manner of
pleading on ap-
peals from jus-
tices judgments

In suits against
bankers, justi-
ces jurisdiction
co-extensive
with the coun-
ty, and no
stay of execu-
tion allowed.

or bank commissioner, or shall violate the provisions of the twenty sixth section of this act, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, by indictment, shall be imprisoned in the penitentiary, and kept at hard labor not more than ten years, nor less than three years.

SEC. 28. In all actions brought in any court in this state against any bank or banker, on any of the paper issued by such bank or banker, and mentioned and described in the first section of this act, if process shall be served upon such bank or banker, ten days before the term of the court at which such process is returnable, it shall be lawful for the plaintiff to file his declaration, in such suit, at any time after service of process, and the defendant shall plead within five days thereafter, and the cause shall stand for trial at the term at which process was made returnable; and, in default of plea, the plaintiff shall be entitled to judgment at such appearance term. And in all cases of appeal taken by any bank or banker from the judgment of any justice of the peace, or from any judgment of the court of common pleas, if the plaintiff shall recover as much in the appellate courts as he recovered in the court below, judgment shall be rendered in favor of the plaintiff for the amount of such recovery, together with twenty five per centum penalty thereon, exclusive of interest and all other penalties. And in case of appeal by any bank or banker from the judgment of any justice of the peace, on any suit brought, as aforesaid, the cause shall stand for trial at the term of the court of common pleas next after such appeal. And, upon the appeal being docketed, the plaintiff may immediately file his declaration, and if there be ten days or more between the filing of such declaration and the sitting of the court, the pleadings shall be made up as in cases originally commenced in the common pleas under this section; but if the transcript be docketed during term time, the plaintiff, upon filing his declaration, shall, on motion, be entitled to a rule on the defendants, to plead in such reasonable time, during the term, as the court may fix, of which rule the defendant shall take notice in the same manner that parties are required to take notice of the filing of pleadings in other cases; and in cases of failure to plead, judgment may be taken by default, as in other cases.

SEC. 29. In all cases where suit may be brought against any bank, or banker, on any of the paper issued by such bank or banker, mentioned and described in the first section of this act, not exceeding one hundred dollars, any justice of the peace within the township where such bank is situated, or, if any such justice of the peace shall refuse or neglect forthwith to act in the premises, then any justice of the peace within the county where such bank is situated, may entertain jurisdiction of such suit. All process in such suit may be directed to, and executed by, any constable within the county; all

mesne process may be returnable forthwith, and, upon the return thereof, the justice may proceed to render judgment and issue execution; and there shall be no stay of execution upon any judgment rendered against any bank or banker.

SEC. 30. That the bonds required to be given by the bank commissioners, shall be approved by the auditor and treasurer of state; shall be filed in the office of the secretary of state; and no commission shall be issued by the governor to a bank commissioner, until his bond be filed, as aforesaid.

Bonds of bank commissioners to be approved, &c.

SEC. 31. It shall be the duty of the bank commissioners, or some one of them, at least once in every six months, without previous notice, to visit every banking institution in this state, and make the examinations required by the second section of the act to which this act is an amendment, and to make such examinations more frequently than once in six months, if it should be deemed necessary for the public safety, and to visit and examine any bank, when called upon to do so, by any other bank.

Bank commissioners to visit banks.

SEC. 32. In case one or more of the bank commissioners shall die, resign, or be removed, or in case their term of office expire, the remaining commissioner, or commissioners, shall have full power to act as if no vacancy existed. And any of the said bank commissioners may be removed, by joint resolution of both branches of the legislature, for misconduct in office, or neglect of official duty.

Vacancies not to effect the authority of remaining commissioner or commissioners.

SEC. 33. That so much of the first, second, and third sections of the act to which this act is an amendment, as conflicts with this act, together with the 5th, 13th, 14th, 15th, 16th, 17th, 18th, and 21st sections of said act, to which this act is an amendment, and the 7th section of the act amendatory of said act, passed March 23, one thousand eight hundred and forty, be and the same are hereby repealed; provided, that nothing in this act contained shall be so construed as to exempt any bank, or banker, from any forfeiture, penalty, or liability imposed or incurred by, or under, any other act, nor to deprive the holder of any bond, bill, note, check, or certificate of deposit, or other claim against any bank, of any right or remedy under other acts; but such bank or banker may, at the option of such holder, be proceeded against in the same manner as if this act had not been passed.

Acts repealed.

SEC. 34. That if any bank officer, director of, or other person connected with, any banking institution in this state, shall embezzle, conceal, or in any way destroy, any property, money, or effects of such bank, in anticipation of the insolvency of such bank, or shall refuse to deliver over to the receivers who may be appointed by any judge or court, under the provisions of this act, any of the property, money, or effects of such bank, which he or they may be in possession of, or may have charge of, or shall obstruct or hinder the aforesaid receivers, or either of them, in the proper discharge of their duty

Force of former acts in regard to banks or bankers from penalties of former acts.

Officers, directors or persons connected with banks, offending, how punished.

according to law, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than one year.

Time when
act takes effect.

SEC. 35. The second section of this act shall take effect from the passage thereof, and the other sections of this act shall take effect, and be in force, from and after the 4th day of March, A. D., one thousand eight hundred and forty two; and it is hereby made the duty of the auditor of state to send an authenticated copy of this act to each of the banking institutions of this State, forthwith after its passage.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 18, 1842.

AN ACT

To amend the act entitled "an act to amend the act entitled 'an act to provide for the inspection of salt,'" passed February 3, 1840.

Office limited
to three years.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of service of all inspectors heretofore appointed under the provisions of the act to which this is an amendment, excepting such county or counties where special provisions have been made, shall expire three years from and after the first term of the court of common pleas held in the county where such appointment or appointments have been made, after the passage of this act; and all appointments hereafter to be made, shall be for the term of three years; at the expiration of which term, or in case of a vacancy happening at any time, the same shall be filled at the next term of the court in the county where such vacancy may occur.

Repealing
clause.

SEC. 2. That so much of the act to which this is an amendment as conflicts with the provisions of this act, be and the same is hereby repealed.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 5, 1842.

AN ACT

Defining certain duties of Clerks, Sheriffs, and Prosecuting Attorneys.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall hereafter be the duty of the several clerks of the courts of common pleas to transmit a certified report, on the first Monday of December, annually, to the auditor of state, of all costs which have been collected in their respective counties by the prosecuting attorneys or otherwise, and which the state is by law required to advance, in criminal cases, wherein the persons convicted have been sentenced and transported to the penitentiary.

Clerks to make report of costs.

SEC. 2. That it shall be the duty of the prosecuting attorney, in each county, to lodge with the clerk of the court of common pleas, on the first day of November, annually, a certified report of all costs by him collected, or in progress of collection, in penitentiary cases, with a specification of the amount received in each case, at what date, and when paid over to the county treasurer; and also, at the same time, to lodge a like report of all costs and fines by him collected in criminal cases of a minor grade, which he is required by law to pay into the county treasury.

Prosecuting attorney to make report of costs by him collected.

SEC. 3. That it shall be the duty of every clerk of a court of record, and of every sheriff and prosecuting attorney, in each county, hereafter to enter in a journal or cash book, to be provided at the expense of the county, an accurate account of all moneys collected or received, in his official capacity, on the days of the receipt, and in the order of time in which the moneys were so received, with a minute of the date and suit, or other matter, on account of which the money was received; and such cash book shall be a public record of the office in which the same is required to be kept; and, on the expiration of the term of each respective officer, shall be delivered to his successor in office; and, moreover, every such clerk shall be the receiver of all moneys payable into his office, whether collected by public officers of court, or tendered by other persons, and shall pay over the same to the persons entitled thereto, on request.

Officers to keep cash books for the entry of costs.

Clerk to be receiver of all moneys payable at his office.

SEC. 4. That if, in the opinion of the court, at any time, the official bond of any clerk of the court of common pleas, or other court of record, shall not be sufficient in form, or shall become insufficient for want of responsible sureties to secure the payment of the sum specified in such bond, it shall be the duty of the court, on motion, to order their clerk to give additional bond, with responsible sureties, in the sum now required by law, with the proper conditions.

Courts may require clerks to give additional bonds.

SEC. 5. That any clerk, sheriff, or prosecuting attorney, who shall neglect to comply faithfully with the requisitions of this act, and the duties therein enjoined upon him, shall not

Officers for neglect may be removed.

only be subject to the penalties now imposed by law, but may be removed from office, at the discretion of the court.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 26, 1842.

AN ACT

To amend an act entitled "An act for the inspection of certain articles therein enumerated."

Office of inspector limited to three years.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the term of service of all inspectors heretofore appointed under the provisions of the act to which this is an amendment, excepting such county or counties where special provisions have been heretofore made, shall expire three years from and after the first term of the court of common pleas held in the county where such appointment or appointments have been made, after the passage of this act; and all appointments hereafter made shall be for the term of three years, at the expiration of which term, or in case of a vacancy happening at any time, the same shall be filled at the next term of the court in the county where such vacancy may occur.

Repealing clause.

SEC. 2. That so much of the act to which this is an amendment as conflicts with the provisions of this act, be and the same is hereby repealed.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 28, 1842.

AN ACT

To amend the act fixing the time of holding the Courts of Common Pleas for the year 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall be held in the county of Coshocton, as follows, to wit: on the fourth day of April, the fourth day of July, and on the seventeenth day of October; any thing in the act to which this is an amendment to the contrary, notwithstanding.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 28, 1842.

AN ACT

To amend the act entitled "An act to establish a Court in Bank, and to regulate its practice," passed March 10th, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be appointed, by joint resolution of the general assembly, a reporter for the court in bank, whose term of service shall expire every three years, whose duty it shall be to attend the session of the court in bank, and to report its decisions, together with such other important decisions as he may be directed by the supreme court to report, and have the same ready to be published as hereinafter directed. And at the end of each term it shall be the duty of the judges of said court to deliver to said reporter their written opinions in the cases decided at such term; and the clerk of said court shall deliver to said reporter the papers in said cases, for a time only sufficient to make out an abstract, for the purpose of reporting the same; provided, that no arguments of counsel shall be published with said reports, other than a brief, containing a reference to the points made, and authorities cited and relied on by such counsel, unless specially directed by the court. And the reports of cases decided in bank, at the December terms of the supreme court for 1840, and 1841, and that shall hereafter be reported, shall be denominated Ohio Reports; and the volumes so reported, or that may hereafter be reported, shall be numbered on, consecutively, from the volume number nine, as reported by the late Charles Hammond.

Reporter to be appointed by the general assembly.

Judges to deliver written opinions to reporter.

Volumes to be numbered consecutively.

SEC. 2. That the reporter shall receive, for his services, the sum of three hundred dollars per annum, to be paid out of the state treasury, on the order of the auditor of state.

SEC. 3. That an edition of fifteen hundred copies of said reports shall be published by the state printer as soon as may be conveniently done after the session of said court, in the same style and manner as Swan's collated statutes; and, for such printing, he shall receive the same rate of compensation as for printing said statutes; and when said reports shall be printed, the state printer shall cause them to be put up in covers, in the same manner as the reports of cases decided in said court at December term, 1840, reported by P. B. Wilcox; and he shall receive therefor such reasonable compensation as may be allowed by the governor of the state, and auditor and secretary of state.

Reports to be printed by state printer.

SEC. 4. That the said reports, when published, shall be delivered to the secretary of state, who shall furnish one copy thereof to each of the supreme judges, five copies to the state library, and one copy to each county in this state; and the secretary of state shall cause the remainder to be sold at such price as may be established by the governor, and the proceeds of such sale he shall account for and pay into the state treasury, semi-annually.

Reports to be sold by secretary of state.

Decisions of
December term
1841, to be re-
ported by the
present report-
er.

SEC. 5. That the decisions of the court in bank, made at the December term thereof, 1841, shall be reported by the present reporter, and printed and disposed of in conformity to the provisions of this act; and that the successor of the present reporter, appointed by the general assembly under this act, shall enter upon his duties from and after the first day of June next; and that the tenth, eleventh, and twelfth sections of the act entitled "an act to establish a court in bank, and to regulate its practice," passed March ten, one thousand eight hundred and thirty one, are hereby repealed.

Reporter may
be removed by
joint resolution

SEC. 6. The reporter for the court in bank shall be subject to removal by joint resolution of the general assembly; and in case any vacancy shall occur in the office of reporter by death, resignation, or otherwise, during the recess of the general assembly, it shall be the duty of the governor to appoint a reporter, to serve until the general assembly shall again convene, and until his successor shall be appointed.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 28, 1842.

AN ACT

To confer the authority of changing the names of persons, towns, and villages upon the Court of Common Pleas.

Court may
change the
names of per-
sons.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall have the authority to change the names of persons, and the names of towns and villages within this state.

Mode of pro-
ceeding to be
by petition.

SEC. 2. That any person desiring to change his or her name may file a petition in the court of common pleas, in the county in which such person may be a resident, setting forth, first, that the petitioner has been a bona fide citizen of such county at least one year prior to the filing of the petition; second, the cause for which the change of petitioner's name is sought; third, the new name which may be asked for. And it shall be the duty of the court of common pleas, at any term thereof, after the filing of such petition, upon being duly satisfied by proof in open court, of the truth of the facts set forth in the petition, and that there exists proper and reasonable cause for changing the name of the petitioner, and that thirty days previous notice of the intended application to the court had been duly given in some newspaper in general circulation in such county, to order and direct a change of the name of such petitioner, and that an order for that purpose be made upon the journals of such court.

SEC. 3. That whenever it may be desirable to change the name of any town or village, in any county in this state, a petition for that purpose may, in the like manner, be filed in the court of common pleas for such county, signed by at least twelve landholders of the vicinity, setting forth the cause why such change is desirable, and the name prayed to be substituted; and the court, upon being satisfied, by proof, that the prayer of the petition is just and reasonable, and that notice, as required in the foregoing section, had been given, and that the inhabitants of such town or village, or three fourths thereof, desire such change, and that there is no other town or village in this state with the same name with that which is prayed for, may order a change of the name of such town or village, as prayed for in the said petition.

Names of towns, how changed.

SEC. 4. It shall be the duty of the clerk of the court of common pleas to keep a separate book for recording the proceedings under this act. And all proceedings under this act shall be had at the costs of the petitioners; provided, always, that any change of names under the provisions of this act shall not, in any manner, affect or alter any right of action, legal process, or property.

Court to keep a separate record.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
 JAMES J. FARAN,
Speaker of the Senate.

February 28, 1842.

AN ACT

To amend the act entitled "An act granting licenses to Pedlars."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all persons applying for license to peddle goods, wares, or merchandize in this state, agreeably to an act passed February fourteenth, one thousand eight hundred and forty, shall, before he shall be entitled to a license, pay into the county treasury the following duties; for a license for one year, or a proportionate sum for any less time, to wit: if he intends to travel on foot, the sum of fifteen dollars; if he intends to travel, and carry his goods with a single horse or other beast, carrying or drawing a burden, the sum of thirty dollars; if he intends to travel with any vehicle or carriage, drawn with more than one horse or other animal, or with a boat, the sum of forty five dollars.

Rate of license.

SEC. 2. That such applicant shall, on paying as aforesaid, take from the treasurer duplicate receipts therefor, one of which he shall deposit with the auditor of the county, who shall charge the treasurer with the amount thereof, and give

Duplicate receipts to be filed with county auditor.

said applicant a certificate therefor, which certificate, with the other receipt, said applicant shall deposit with the clerk of the court; and the clerk, thereupon, shall issue license accordingly.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 28, 1842.

AN ACT

To amend "An act to provide for the election and resignation of Justices of the Peace," passed January 31, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when the same person is elected to the office of township treasurer, and justice of the peace, then the official bond of such justice shall be deposited with the township clerk.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

February 28, 1842.

AN ACT

To amend the act entitled "An act for the punishment of crimes," passed March 7, 1835.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person who shall have been actually imprisoned in the penitentiary of any other state or territory of this Union, under a sentence for the commission of any crime, which by the laws of this state is punishable by imprisonment in the penitentiary, shall be deemed incompetent to be an elector, juror, or witness, or to hold any office of honor, trust, or profit, within this state, unless the said convict shall have received a general pardon from the governor of the state in which he may have been imprisoned, agreeably to the laws thereof.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 2, 1842.

AN ACT

To amend an act for the inspection of certain articles therein enumerated, passed
March 9, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the court of common pleas of each county in this state, at their first or any subsequent session after the passage of this act, to appoint, when it may be necessary, one inspector of sawed lumber, who shall be subject to all the provisions of, and enjoy all the powers conferred by, the act to which this is an amendment. Court of common pleas may appoint inspectors.

SEC. 2. That the inspectors, who shall be appointed under this act, shall receive, as fees for their services, the sum of ten cents for inspecting every thousand feet of lumber, board measure. Fees of inspectors.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 3, 1842.

AN ACT

To provide for an adjourned session of the General Assembly.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be an adjourned session of the General Assembly, which shall commence at the town of Columbus, on Monday, the twenty fifth day of July next.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 3, 1842.

AN ACT

To amend the act "fixing the times of holding the Courts of Common Pleas."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first term of the court of common pleas for the county of Lucas, for the year eighteen hundred and forty two, be holden on the thirtieth day of March, and the second term thereof on the twenty first day of June; any thing in the act to which this is an amendment, to the contrary thereof, notwithstanding. Court of common pleas in Lucas county.

Courts of com-
mon pleas in
Preble and
Shelby coun-
ties.

SEC. 2. That the second term of the court of common pleas shall be held in the county of Preble, on the twenty seventh day of June; and in the county of Shelby, on the eighteenth day of July; any thing in the first section of the act, fixing the times of holding the courts of common pleas, passed February fifteen, one thousand eight hundred and forty two, to the contrary, notwithstanding.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 3, 1842.

AN ACT

To regulate tolls on the several Turnpikes in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the turnpike road companies in this state, are hereby authorized, on all wagons and wheeled carriages, drawn on said roads, with a tire not to exceed three inches in width, and carrying more than five thousand pounds, to demand and receive tolls, at the rate of two cents per hundred, for every hundred pounds over and above five thousand pounds, for every ten miles, and a proportionate rate for a less distance.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 5, 1842.

AN ACT

To revive the third section of the act entitled "an act to amend the act entitled 'An act to regulate the fees of officers in civil and criminal cases.'"

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of the act entitled "an act to amend the act entitled 'an act to regulate the fees of officers in civil and criminal cases,'" passed February eleventh, one thousand eight hundred and thirty two, be and the same is hereby revived, and declared to be in full force and effect.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 5, 1842.

AN ACT

To amend the act entitled "An act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824, and declare the meaning and intention of the ninth section thereof.

Whereas, by the ninth section of the act aforesaid, passed Preamble.

January twenty eight, one thousand eight hundred and twenty four, it was, and is, provided "that all suits or actions, prosecuted by a bank or banker, or persons claiming as their assignees, or under them in any way for their use and benefit, the sheriff, upon any execution in his hands in favor of such bank or banker, or their assignee as aforesaid, shall receive the note or notes of such bank or banker from the defendant in discharge of the judgment; and if such bank or banker, their or his assignee, or persons suing in trust for the use of such bank or banker, shall refuse to receive such notes from the sheriff, the sheriff shall not be liable to any proceedings whatever at the suit, or upon the complaint of the bank or banker, or their or his assignee as aforesaid;" and, whereas, doubts have arisen, whether by the terms of said provision of said ninth section, it was intended by the legislature, that the assignee of such bank or banker, should be required to receive the notes of such bank or banker, in discharge of a debt assigned by a bank or banker, after the bank or banker has parted with his or their interest, in such debt, therefore, for the purpose of declaring and defining the true intent and meaning of the provisions of the ninth section aforesaid—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* It is hereby declared that the true intent and meaning of the provisions of the ninth section of the act entitled "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January twenty eight, one thousand eight hundred and twenty four, was and is to entitle every debtor of a bank or banker, to pay such debt in the notes or other obligations of the bank or banker, issued and calculated for current circulation as against the assignees of such bank or banker, and all other person or persons to whom the said debt shall or may be transferred or assigned, whether such bank or banker still retains an interest in the same, or has parted with all interest therein.

Ninth section of the act of January 28th, 1824, how to be construed.

SEC. 2. That no judgment shall hereafter be entered in any court in this state, by confession, in favor of any bank or banker, his or their assignee, upon, or by virtue of, any warrant of attorney, for confessing judgment, unless three day's notice, in writing, of the time and place at which such judgment is intended to be entered, shall be first given to the per-

Judgments by confession or otherwise not to be entered until after notice to defendants.

son or persons against whom such judgment is intended to be entered; provided, that if such person or persons do not reside within the county where such judgment is to be entered, then one day's notice for every twenty miles' travel from the place of residence of such person or persons, to the place of holding court in such county, shall be given to the person or persons against whom judgment is to be entered.

In all suits by any bank or banker, or their assignees, defendant may make payment in the notes of said bank or banker.

SEC. 3. That in any suit in chancery, by any bank or banker, his or their assignee, upon any mortgage or deed of trust, given to secure the payment of money, it shall be lawful for the defendant or defendants in such suit, at any time before final decree; or at any time after final decree, and before actual sale and conveyance of the mortgaged premises, under such decree, to bring into court, or tender to the plaintiff in such suit, or to the officer to whom the execution of the decree in such suit may be committed, any notes or bills of said bank or banker that said defendant may hold, whether the same be acquired before or after decree; and in case such bills or notes shall be brought into court before the defendant or defendants shall be allowed the amount thereof in the decree, and if tendered after final decree to the plaintiff, or the officer intrusted with the execution of the decree, the amount thereof shall be credited, as so much paid on the decree; and after bringing such notes into court, or tender to the plaintiff or officer intrusted with the execution thereof, no decree shall be rendered in favor of the plaintiff, nor sale made for more than the balance of the plaintiff's claim and costs, where it is proper that costs should be awarded.

Persons who are entitled to the provisions of this act.

SEC. 4. That the provisions of the first and third sections of this act shall not extend to any suit or action now pending, or which may hereafter be brought, or to any judgment heretofore rendered upon any bond, bill, note, or other contract, for the payment of money given to, or made with, any bank, by any person acting as a director, officer, or agent of such bank, at the time of giving or making of the same, or given to, or made with any bank, by any other person or persons, with a view to an advantage, by an expected insolvency, or suspension of specie payment, by such bank; provided, that the sheriff, or other officer aforesaid, in making the money, on any judgment, shall proceed without regard to the inquiry, whether the defendant was a director, officer, or agent of the bank, or whether the claim upon which the judgment was rendered was contracted with a view to the insolvency or suspension of specie payment by the bank; provided, always, that the provisions of this act shall not extend to any assignee or assignees, who heretofore shall have become such, bona fide, in the settlement of his or their claim or claims against such bank or banker, unless such assignee or assignees, so claiming, shall be the assignee or assignees, generally of the effects and assets within this state, of such bank or banker.

SEC. 5. That all suits heretofore commenced by any bank or banker, or by his or their assignee, or by any person claiming in any way under such bank or banker, whether judgment or decree has been obtained or not, or whether execution has been levied or not, shall, in all respects, and in the same manner, be proceeded in as though such suits had been originally commenced under the provisions of this act; and all acts or parts of acts conflicting with the provisions of this act are hereby repealed. This act to be in force from and after its passage.

Suits already commenced or judgments rendered to be governed by this act;

—Repealing clause.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 5, 1842.

AN ACT

To provide for the election of Directors of the Poor.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the qualified electors for members of the General Assembly, in any county within this state, in which a county poor house is completed, or may hereafter be completed, for the reception of the poor, shall elect, at their annual election, in the same manner, and under the same regulations, that state and other county officers are now elected, three judicious persons, residents of said county, who shall form a board of directors of the poor; one of which shall hold his office for one year, one for two years, and one for three years, so that one of said directors be elected each year; and said directors shall, in all respects, have the same powers and authority, and be subject to the same liabilities, as now provided for by law; and each director, so elected, after the first election, shall hold his office for the term of three years, and until his successor is elected and qualified.

Election of directors.

SEC. 2. If any vacancy shall, in any manner, occur in the board of directors, or, in cases where a poor house has been completed for the reception of the poor, and the commissioners, of the proper county, shall deem it right and proper that the management of such poor house be placed under a board of directors, prior to the then next annual election, said commissioners are hereby authorized, in either case, to appoint said directors as now provided for, who shall continue in office until their successors are elected and qualified, and shall have the same powers, and be subject to the same duties as though they were elected.

County commissioners may appoint directors in certain cases;

—Directors may take possession of property belonging to paupers and sell the same.

SEC. 3. In cases where persons are admitted into a poor house as paupers, whether such person or persons be insane, or otherwise, and such admitted person be possessed of, or owner of, property, whether real or personal, or having an interest in reversion, or in any other manner legally entitled to any gift, legacy, or bequest, of whatever nature or kind the same may be, the directors may, as soon after such admittance as they may think proper, take possession of all, or any, of such property, or other interest such pauper may lawfully be entitled to, and sell or dispose of the same as hereinafter provided; and the net proceeds arising therefrom shall be applied in whole, or in part, under the special direction of the directors, in such manner as they may think best, to the maintenance of such person, during the continuance of such person as a pauper, in said poor house; and the said directors may, at their option, admit or reject any person as a pauper, who has not gained a legal residence in the proper county, as a sound discretion, and the nature of the case may seem to require.

Balance due paupers on leaving poor house to be paid them.

SEC. 4. Upon the death of any pauper, in a poor house, or who shall otherwise leave, or be in any lawful manner discharged therefrom, whose property or effects shall have been disposed of, and the avails thereof applied as provided for in the preceding section of this act; and if there remain, at the time of such leaving, a balance due, and in favor of, such pauper, on the books of the institution, such balance shall be repaid by the directors or other authorized officer, to such pauper or other person legally entitled to receive the same.

Directors must file a petition to the court of common pleas for the sale of property.

SEC. 5. That when the directors shall desire to sell any real estate under the provisions of the third section of this act, they shall file a petition for that purpose in the court of common pleas, and the proceedings thereupon, the sale, confirmation of sale, and execution of deed, by said directors, shall, in all respects, be conducted in conformity to the practice and statutory provisions for the sale of real estate by guardians.

SEC. 6. That so much of all acts, or parts of acts, as come in conflict with the provisions of this act, be and the same are hereby repealed.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 5, 1842.

AN ACT

To amend the act entitled "An act prescribing the duties of Supervisors, and relating to Roads and Highways," passed March 20th, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every supervisor, who shall cut or carry away any timber, stone, or gravel, for the purpose of repairing the public highways within his district, shall, on demand of the owner or owners, agent or agents, of the premises from which such timber, stone, or gravel, shall have been taken as aforesaid, give a certificate showing the quantity and quality of such timber, the number of loads of stone or gravel, with the value thereof, respectively, and the time the same shall have been taken.

Supervisor shall give certificate for timber, stone, &c.

SEC. 2. That any person or persons, who shall receive a certificate, as provided for in the foregoing section, shall present the same to the county commissioners of the proper county, at any regular session of said commissioners, within six months after the taking away of such timber, stone, or gravel, and the commissioners, being satisfied that the amount of damages, certified as aforesaid, be just and equitable, shall cause the same to be paid the applicant, out of the county treasury.

Commissioners of county shall pay for timber, &c.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 5, 1842.

AN ACT

To regulate the mode of collecting debts against Turnpike Companies, in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person having a claim, of any description, against any turnpike road company, in which the state of Ohio is a stockholder, may proceed to collect such claim by a proceeding in chancery against said company, in any court of competent jurisdiction; and, on hearing and determination of such suit, if the complainant shall sustain his claim, the court shall render a decree accordingly, and appoint a receiver, whose duty it shall be to receive the tolls collected upon said road, and after paying the expenses of the necessary repairs on said road, shall, on the order of the auditor of state, pay into the state treasury the amount which may be due to the state, in proportion to the amount paid on its number of shares in the stock of said company, and the balance, after paying the costs

Receiver to be appointed.

of said suit, he shall apply in satisfaction of the decree in favor of said complainant, or complainants; and it shall be the duty of said receiver to make such payments as often, at least, as once in every six months; and he shall, also, at the close of each six months, report his collections, the amount paid for repairs, and the amount due the state of Ohio, to the auditor of state.

Repeal of part
of former act.

SEC. 2. That the first and second sections of the act entitled "an act to amend the act entitled 'an act for the regulation of turnpike companies,'" passed February eighth, one thousand eight hundred and twenty six, be and the same are hereby repealed, so far as relates to roads, in which the state is a stockholder.

Profits may be
appropriated to
extension and
completion of
roads.

SEC. 3. That the directors of any turnpike road company in this state, in which the state is a stockholder, are hereby authorized, after having set apart and paid over to the state the proportion of profits due the state, agreeably to the act passed March twenty one, one thousand eight hundred and forty, to apply the remainder of said profits, first, for the payment of the debts of said companies; and, second, for the extension or completion of said roads, any thing in said act of March twenty one, one thousand eight hundred and forty, to the contrary, notwithstanding; and the amount of profits so appropriated, as well as the balance applied by any receiver under the first section of this act, in payment of any decree, shall be considered as so much paid, in additional shares, for the stockholders in said company; and the state and the stockholders shall receive dividends in proportion to the amount paid on their respective shares.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 5, 1842.

AN ACT

To amend the act entitled "An act to provide for the protection of the Canals of the State of Ohio, the regulation of the navigation thereof, and for the collection of tolls."

Part of former
act repealed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the thirty fifth section of said act, as provides that "no raft or float, composed in whole or in part of round or unhewn timber, shall be permitted to float or be navigated on either of the canals of this state," be and the same is hereby so far repealed, and no farther, that it shall not hereafter be so construed as to extend to the navigation of that part of the canals of this state, known as the Muskingum Improve-

ment and the Walhonding Canal. This act to be subject to the same restrictions, as regards fines, provided by the act to which this is an amendment, and to such rules and regulations as the board of public works shall, from time to time, deem it necessary to adopt, having due regard to the best interests of the state.

SEC. 2. That the provisions of the twelfth section of the said act be and the same are hereby extended so as to include guard locks, guard gates, head gates, and feeder gates belonging, or appertaining, to any canal or slackwater navigation of this state. Part of former act extended.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

To regulate banking in Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all companies or associations of persons desiring to engage in and carry on the business of banking within this state, which may hereafter be incorporated, shall be subject to the rules, regulations, limitations, conditions, and provisions contained in this act, and such other acts to regulate banking, as are now in force, or may hereafter be enacted, in this state. Company to be subject to certain rules, &c.

SEC. 2. No company or association of persons shall be incorporated to carry on the business of banking, within this State, without being first regularly formed, and having made application to the legislature, by petition, for an act of incorporation, stating in said petition the names and residences of the persons composing such company or association, the amount of capital stock to be invested, and the place of doing business; and notice of such applications shall be given by publication in some newspaper of general circulation printed in the county in which it is proposed to locate such bank, for at least thirty days next preceding the session of the general assembly to which application is made. No bank to be incorporated unless previously formed.

SEC. 3. Every such bank, or corporation for banking purposes, shall have power— Banks to have power;

First: To have succession, by its corporate name, from the date of its creation, during the term for which it may be created; —Succession;

Second: To sue and be sued, complain and defend, in any court of law or equity; —To sue, &c

—To make
seal;

—To purchase
and hold real
estate.

—To elect a
president and
board of direc-
tors;

—To have an
office of dis-
count and de-
posit;

—To draw
drafts, checks,
&c.

Banks not to
commence
business until
all its capital is
paid in gold or
silver.

Capital stock
to be examined
by bank com-
missioners and
certified to the
register.

Third: To make and use a common seal, and alter the same at pleasure;

Fourth: To purchase and hold such real estate, and no more, as shall be necessary for its banking house, and such personal property as shall be necessary to the transaction of its business;

Fifth: To elect, annually, on the first Monday of January, a president, and a board of not less than four nor more than nine directors, as the stockholders may determine, who shall be citizens of this state, and a majority of whom shall be residents of the county in which the bank is located; and such president and directors shall appoint the cashier and other officers and agents of such bank or corporation;

Sixth: To have and keep an office of discount and deposit, in the place of its location, and at no other place; to receive deposits, and issue certificates therefor; to loan money, and to discount bills of exchange, promissory notes, and other negotiable paper, or obligations for payment of a sum of money certain; also, to issue bills or bank notes for current circulation, payable to bearer, on demand, at its banking house, or office of discount and deposit; and to draw or issue drafts or checks on individuals, companies, or corporations, payable to order, at such time and place as the directors, for the time being, shall deem expedient; such drafts or checks not being for the purpose of current circulation;

Seventh: To make bylaws, not inconsistent with any law of this state, or of the United States, for the management of its property, or the regulation of its affairs.

SEC. 4. Every such bank, that may be incorporated under this act, before it makes any loans and discounts, or shall be entitled to have registered, as hereinafter provided, any notes or bills for circulation, or issue or pay out any notes whatever, or commence the business of banking, shall have subscribed and paid in, in good faith, the whole amount of its capital, as a permanent investment, for the business of banking, and be actually possessed of it as a banking capital, the whole of which shall be in gold or silver coin.

SEC. 5. The capital stock so paid in, shall be examined, and ascertained to exist as the bona fide capital of such bank, by the bank commissioners; and said commissioners, after being fully satisfied that such bank has complied, in good faith, with all the terms and conditions above named, and the act creating it, shall make out duplicate certificates thereof, one of which shall be transmitted to the register, and the other delivered to the president of such bank, and on presentation of such certificate to the register, and not before, such bank shall be vested with all the privileges, and be subject to all the conditions, restrictions, and limitations of this act, and shall be entitled to have numbered and registered such amount of notes for circulation, in proportion to its capital stock, as is prescribed by this act.

SEC. 6. Every president, cashier, director, or other officer of such bank, shall take an oath, or affirmation, that he will faithfully, diligently, honestly, and impartially, discharge and perform all the duties enjoined on him by law, as such officer of such bank; and that he will faithfully observe, and carry into effect, the provisions of this act, according to the best of his skill and abilities.

SEC. 7. It shall not be lawful for the president, directors, trustees, cashier, or other officer, clerk, or agent of any bank—

First: To make dividends, except from the profits arising from the business of the bank;

Second: To divide, withdraw, or in any manner pay to the stockholders, or any of them, any part of the capital stock, or reduce such capital stock without the consent of the general assembly;

Third: To apply any portion of the funds, property, assets, or effects of their bank, directly or indirectly, to the purchase of shares of its own stock, or to the purchase of stock in any other bank, company, or corporation;

Fourth: To make any loan or discount, upon the pledge of its own stock as security, or the pledge of any stock of any other bank, company, or corporation; or to receive any such shares in payment of any debt due to their bank;

Fifth: To receive from any other stock corporation, in exchange for the shares, notes, bonds, or other evidences of debt, of their own institution, shares of the capital stock of such other corporation, or to receive in such exchange the notes, bonds, or other evidence of debt, issued by such corporation; provided nothing herein shall be so construed as to prevent any bank from receiving the circulating notes of any other bank in deposit, or in payment of debt;

Sixth: To discount, or receive any note or other evidence of debt in payment of any stock of their bank, required to be paid, or any part thereof, or with intent of providing the means of making such payment;

Seventh: To discount, or receive any note, or other evidence of debt, with intent of enabling any stockholder in their bank to withdraw any part of the money paid in by him, on his stock;

Eighth: To loan, or discount, to any stockholder or director, upon any note, or other evidence of debt, or to permit any director or stockholder to become liable, in any form, to their bank, to a greater amount than one half the capital stock of such stockholder or director, actually possessed by him;

Ninth: To loan to any one individual, whether stockholder, director, or otherwise, upon any note, or other evidence of debt, or to any firm, or to any one or more individuals comprising a firm, in the aggregate; or to permit any individual or firm, or individuals comprising a firm, in the aggregate, to be

Officers to take oath.

Bank restrictions;

—As to dividends;

—Withdrawal of capital;

—Purchase of stock;

—Loans on pledge of stock;

—Stock, or other evidences of debt, in exchange;

—Discounts as means of payment of stock;

—Discounts to enable stockholders to withdraw capital;

—Limitation of loans to stockholders and directors;

—General limitations;

come indebted to such bank, at any one time, to a greater amount than the following proportions:

- \$8,000; 1. If the capital stock of such bank amount to one hundred thousand dollars, then such liability shall not exceed the sum of eight thousand dollars;
- \$10,000; 2. If the capital stock be over one hundred thousand dollars, and not exceeding three hundred thousand dollars, then such liability shall not exceed the sum of ten thousand dollars;
- \$15,000; 3. If the capital stock be over three hundred thousand dollars, and not exceeding five hundred thousand dollars, then such liability shall not exceed the sum of fifteen thousand dollars;
- \$20,000; 4. And if the capital stock be over five hundred thousand dollars, then such liability shall exceed the sum of twenty thousand dollars.

Tenth: To loan, or discount, to any president, cashier, clerk, or other subordinate officer thereof, or upon any paper or obligation upon which any such president, cashier, clerk, or other subordinate officer shall be liable; and,

Eleventh: No bank shall, directly or indirectly, sell any of its gold or silver coin, or export the same out of the state; nor shall any bank employ any broker to transact any business, or be concerned, either directly or indirectly, in any way whatever, with any broker, or in any brokerage business.

—Brokerage.

Punishment of officers.

SEC. 8. Any president, director, trustee, cashier, or other officer, clerk or agent of any bank, consenting to a violation of any of the provisions contained in the preceding section of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five thousand dollars, nor less than one thousand dollars, and be imprisoned in the cell or dungeon of the county jail, and fed on bread and water only, not exceeding six months, nor less than one month, and, moreover, shall be jointly and severally liable to said bank for all damages arising therefrom; and every such loan or discount, or excess of loan or discount, therein forbidden, shall be considered and held, to all intents and purposes, null and void.

Discount void.

Officers not to discount paper refused by directors.

SEC. 9. It shall not be lawful for any person, being president, director, trustee, cashier, or other officer, clerk, agent, or in any way interested or concerned in the management of the concerns of any bank, to discount, or directly or indirectly make any loan upon any note, bill, or other evidence of debt, which shall have been offered to such directors for discount, and refused; and every note, bill, or other evidence of debt, so discounted, or upon which any loan shall have been made, by any of the persons aforesaid, knowing that such note had been so offered and refused, shall be utterly void; and the person offending herein, knowing that such note had been so offered and refused, by making any such discount or loan, shall forfeit and pay, to any person who may sue for the same, the amount of

—Penalty.

any such discount or loan, to be recovered by action of debt, in the name of the state of Ohio, with costs of suit, in any court of competent jurisdiction.

SEC. 10. If any president, director, trustee, cashier, or other officer, clerk, or agent of any bank, shall embezzle, or fraudulently convert to his own use, or shall fraudulently take or secrete any effects or property, or commit any breach of trust, with intent to convert to his own use, or the use or benefit of any other person, any effects or property belonging to such bank, or deposited therein, he shall be liable to a prosecution by indictment, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than one year.

Punishment for
embezzling, &c.

SEC. 11. No bank shall at any time owe, otherwise than to depositors, for money actually paid and remaining in the bank, more than one and a half times the amount of its capital, at such time paid into the bank, and remaining therein as active capital stock; and the loans and discounts of a bank shall not, at any time, exceed twice the amount of capital stock actually paid into and possessed by the bank, and all loans and discounts over such amount shall be null and void, and the directors, consenting thereto, shall be liable, jointly and severally, in their individual capacities, to such bank, for all damages arising to such bank, from such excess of loans and discounts.

Restrictions
and penalties as
to amount of
debts.

SEC. 12. The board of directors shall, on the first Mondays of January and July, annually, make and declare such dividends, resulting from profits of the bank, as shall not impair, nor in anywise lessen, the capital stock of their bank, and cause the same to be paid to the stockholders thereof, on demand; provided, that the directors, in making up the accounts for declaring dividends, shall charge all bad debts to profit and loss, set apart a sufficient sum to provide for doubtful debts, and declare and divide all the residue of accumulated profits among the stockholders.

Rule for declar-
ing dividends.

SEC. 13. It shall not be lawful for any such bank, within the provisions of this act, to issue and put in circulation, or to have in circulation, at any one time, an amount of notes or bills of such bank, designed, calculated, or intended to circulate as money, greater than the amount of capital stock actually subscribed and paid into, and remaining in, such bank; and every such bank shall be required to have and keep, in the vaults thereof, as the actual property of such bank, an amount of gold or silver coin equal to one dollar for every three dollars of such circulation; and, in case it shall so happen that any bank, by the redemption of its notes, and the payment of its immediate liabilities, in gold or silver coin, shall violate so much of this section as relates to the proportion of its specie and circulation, it shall be unlawful for the directors of such bank, from the time such disproportion accrues, to discount any note, bill, bond, or other security, or in any manner pay out or put in cir-

Proportion of
circulation to
capital.

Penalty for ex-
cess.

ulation any of the circulating notes of such bank, until the legal proportion of circulation, and gold and silver coin, shall be regained; and all such discounts, made in violation of the provisions of this section, shall be considered and held, to all intents and purposes, void; and the directors, consenting to such violation, shall be liable, jointly and severally, in their individual capacities, to such bank, for all damages arising to such bank for such violation.

Notes and bills
not to be put in
circulation un-
til numbered
and registered.

SEC. 14. It shall not be lawful for any bank to directly or indirectly issue, pay out, give, or offer in payment, or, in any way, directly or indirectly, circulate, or put in circulation, any note, bill, or other description of paper whatever, calculated or intended to pass or circulate as money or currency, except such as shall have been numbered and registered for and on behalf of such bank, by such officer as shall be appointed by the general assembly for that purpose; which notes or bills shall not be made payable at any other place than at the banking house where issued, or payable at any other time than on demand, or payable in any thing else than gold or silver coin, or be of a denomination less than five dollars; and all such notes shall be signed by the president, and countersigned by the cashier, of the bank that issues them.

Punishment for
circulating
bills.

SEC. 15. Any officer of a bank who shall, as such officer, issue, pay out, or in any way circulate, or put in circulation, any note, bill, or other description of paper whatever, calculated or intended to pass or circulate as money or currency, which shall not have been first numbered and registered, as required in the thirteenth section of this act, for and on behalf of such bank, every such officer shall be deemed guilty of a misdemeanor, and, on conviction thereof, by indictment, shall be imprisoned in the penitentiary, and kept at hard labor, not more than three years, nor less than one year; and every person who shall act as president, cashier, clerk, trustee, agent, or director, to any such bank, or shall, in any respect, assist in the discounting of paper, or lending money for such bank, or in paying out money for such bank, and every person whose hand writing shall appear on any note or bill, not registered and numbered as aforesaid, shall be deemed and taken to be an officer of such bank within the meaning of this section.

Register to be
appointed;

SEC. 16. That there shall be a register appointed by a joint resolution of the general assembly, every three years, whose duty it shall be to indorse, on every note that shall be presented to him for that purpose, the word "registered," and to which he shall sign his name; he shall note the number, denomination, and quantity of notes or bills indorsed by him, as aforesaid, in some proper book, to be provided and kept for that purpose in the office of said register, under the supervision of the auditor of state, and of the bank commissioners. In the amount of notes to be indorsed by said register, for any one bank, he shall be governed by the certificate of the bank commissioners, which

—His duty.

certificate shall state the amount such bank shall be allowed to have indorsed by said register, and shall be filed away and carefully preserved by said register in said office; if said register shall indorse more notes or bills for any bank than the amount which the bank commissioners shall certify such bank to be entitled to, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, by indictment, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than one year.

Punishment for
misdemeanor.

SEC. 17. Each bank shall pay into the state treasury such an amount as shall be fixed by law for such registry; and to meet the same, and the salaries of bank commissioners and their incidental expenses, there shall be raised, in addition to the annual bank tax, an additional tax sufficient for the purposes aforesaid, which shall be paid by each bank in the state, in proportion to the amount of circulating notes it shall have registered by the register under the preceding section of this act.

Banks to be
taxed to pay
expenses of
commissioners,
register, &c.

SEC. 18. It shall not be lawful for any bank, either directly or indirectly, in any way to take, receive, or reserve to its own use, a greater sum than at the rate of six per centum per annum, in advance, upon the amount of, or for any loan made, or on the discount or purchase of any note, bill, or obligation, or any renewal thereof, either by way of discount, interest, or exchange, or under any other charge or pretence whatever.

Rate of dis-
count.

SEC. 19. Every bond, bill, note, or other evidence of debt, upon which a greater sum than at the rate of six per centum per annum in advance, upon the amount thereof, shall be received, reserved, or taken by way of interest, discount, exchange, or under any other charge or pretext, by any bank, shall be null and void for every purpose whatever; and any director or officer of the bank consenting thereto, shall be liable to such bank, or the creditors thereof, for all damages or loss that may arise to such bank, by reason of the receiving, reserving, or taking of such excess.

Discounts over
6 per centum,
null and void.

SEC. 20. Every bank shall pay into the state treasury an annual tax of one half per centum per annum, on its capital stock paid in, and such other tax upon its capital or circulation, as the general assembly may hereafter impose, which tax shall be paid to the treasurer of state, on the draft of the auditor of state.

Banks to pay a
tax of one half
per centum.

SEC. 21. There shall be created from the capital stock of such banks as may be incorporated under this act, a safety fund, for the purpose of promptly redeeming the circulation of any such bank as may become insolvent, which fund shall be paid into the state treasury and invested for the purpose aforesaid, in such manner as shall be prescribed by law.

Safety fund to
be created.

SEC. 22. That every bank, doing business under this act, shall receive the notes or bills issued by every other bank doing business under this act, at par, in payment of all debts, dues and demands, owing to such bank at its banking house.

Banks to re-
ceive the notes
of each other.

Rule for the regulation of transfers of stock.

SEC. 23. The shares of the capital stock, in each of the said banks, shall be transferable on the books of such bank, according to such rules as a majority of the stockholders, present at any annual meeting, may establish, but subject to such provisions as are hereinafter contained, or that may be provided by law; and no transfer of stock shall be made without the consent of the board of directors, unless the stockholders shall otherwise direct. All transfers of stock to defraud the creditors of the bank, or any other person, shall be void; and if any bank shall become insolvent, or be found to have been within six calendar months after any transfer of stock shall be made, such transfer shall be deemed and taken to be fraudulent, and the person making it shall be held liable as a stockholder of such bank, in the same manner, and to the same extent, as if no such transfer had been made.

Recorder of counties to record the names of stockholders and amount of stock.

SEC. 24. There shall be provided, at the expense of the bank, a book, such as the bank commissioners may prescribe, in which shall be entered the names of the stockholders, their residence, and the amount of stock paid in, owned by each stockholder, which book shall be kept in his office, by the recorder of the county, and may be subject, at all times, to public inspection. Every transfer and acceptance of stock shall be entered therein, in such form as the bank commissioners may prescribe. No transfer of stock shall be valid until the same be accepted, and the transfer and acceptance thereof entered and recorded in such book; and the recorder shall receive, for his compensation herein, the sum of twenty five cents for each transfer and acceptance. Each bank shall, moreover, keep a plain, true and accurate list of the names of the stockholders, their residence, the amount of stock paid in, owned by them, posted up for public inspection, in some convenient place in the public banking room, and shall cause the same to be published once every three months, in some newspaper published in the county where such bank may be.

Banks to post up for public inspection the names of its stockholders.

Directors and stockholders not exempt from individual liabilities.

SEC. 25. The directors and stockholders of such bank shall not be exempted from liability, in their natural and individual capacity, but, for all acts done, or liabilities incurred by, or on behalf of, such banks, the stockholders and directors thereof shall be held jointly and severally liable in their individual and natural capacity; provided, that for all acts done, or liabilities incurred, by, or on behalf of, such banks, suit shall first be brought, judgment recovered, and execution issued against such bank. But if execution upon any judgment or decree against any bank shall be returned unsatisfied, in whole or in part, upon application within six months after the rendition of such judgment, made by or on behalf of the person recovering such judgment or decree, or his assignee, a writ of scire facias shall issue from the court wherein such judgment or decree was recovered, to any county in this state, against any person or persons, who, when suit against such bank was commenced, may have been stockholder or stockholders of such bank, reci-

ting such recovery, the issuing and return of execution unsatisfied, and requiring the stockholders therein named to show cause why execution should not issue against him or them; and, upon such writ being returned, served, the court shall proceed to make the person or persons against whom it issued, or such of them as shall appear to have been stockholders, as aforesaid, of such bank, parties defendant to such judgment or decree, and execution shall thereupon be issued against such party or parties, in the same manner as if said judgment or decree had been rendered in the first instance against such party or parties defendant; provided, further, that said writ of scire facias and proceedings shall not abate for nonjoinder of other stockholders; and if the writ be issued against more than one person, and it shall appear that any one or more of the persons named in such writ are not liable to be charged as such stockholders, it shall not vitiate or affect the proceedings, but any one or more of the persons named therein, that shall appear to be so liable, shall be made parties to said judgment as aforesaid; and, provided, also, that stockholders, nonresident within the state may, in like manner, be made parties defendant to such judgment or decree, upon personal service of a copy of the scire facias, or such other notice being given by publication, or otherwise, as the court shall direct.

Executions against bank returned unsatisfied, scire facias may issue against stockholders.

Scire facias not to abate for nonjoinder.

SEC. 26. The term stockholders, as used in the twenty fifth section of this act, shall extend to any equitable owner of stock appearing on the books of a bank, in the name of another person, and to every person who shall have advanced the purchase money of any shares of stock, standing in the name of his wife, or any of his children under the age of twenty one years; but no person holding stock as an executor or administrator, or as guardian or trustee, appointed by last will or testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty one years, shall be individually responsible on account of the shares so held.

Who to be considered as stockholders.

SEC. 27. If any loss of the capital stock, or other funds or property of any banks, shall be caused by official mismanagement, or the abuse of power of such bank, on the part of the president, directors, or officers thereof, or either of them, the person or persons by whose mismanagement or abuse of power such loss occurred, shall be liable in his or their individual capacity, to the bank, or the stockholders, for all damages sustained by any such mismanagement and abuse; and, in case of the insolvency of any bank, the directors and officers of such bank, causing such insolvency, shall be held, in law, to have grossly mismanaged the same, and shall be held individually liable to all other stockholders for all injury done, or suffered, and for all loss sustained by them.

President directors and officers to be liable for all loss of capital, and mismanagement.

SEC. 28. Any stockholder or stockholders, that shall be made party defendant to a judgment, and shall pay the same, as provided for in the twenty fifth section of this act, or any

Stockholders when made parties defendants shall

recover from any other stockholder his proportion.

Directors and officers may have recourse against other directors or officers for a proportion of money paid.

Bank to exchange notes and pay balances.

Denomination of notes.

Mode of proceeding in case of refusal to redeem notes in gold or silver.

part thereof, may have an action, as for money paid, against any other stockholder or stockholders of such bank, and shall recover from him or them, in such action, his or their just proportion of the sum or sums so paid; provided, that before resorting to such action, any stockholder or stockholders that may have paid, or been compelled to pay, any judgment against such bank, may take out an execution thereon for his own use, and collect from such bank the amount so paid by him or them; and any director, or officer, who shall have paid any liability under the provisions of the twenty seventh section of this act, to any stockholder, may have his recourse upon any other director or officer, who may be liable for his proportionate share of such liability and payment, but shall have no recourse upon any stockholder except he be such director or officer.

SEC. 29. Each bank shall exchange its circulating notes or bills with other banks at such times, and at such place, and pay balances, as the bank commissioners, or a majority of them, may direct.

SEC. 30. No bank, doing business under this act, shall issue any circulating note or bill, of a denomination between five dollars and ten dollars, or between ten dollars and twenty dollars, or between twenty dollars and fifty dollars, or between fifty dollars and one hundred dollars.

SEC. 31. Whenever any president, cashier, teller, or other officer or clerk, of any bank doing business under this act, shall refuse, on demand at their banking house or office, during regular banking hours, to redeem any circulating note or bill of such bank in gold or silver coin, the person making such demand may bring suit before any justice of the peace in the county where such bank is located, on all sums not exceeding one hundred dollars; and all process in such suit may be directed to, and executed by, any constable within such county. All mesne process may be returnable forthwith; and, upon the return thereof, the justice shall proceed to render judgment, and issue execution, and there shall be no stay of execution in any such suit.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT

To amend the act entitled "An act for the appointment of Guardians," passed February 6th, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any guardian, appointed under the act to which

this is an amendment, shall waste, or unlawfully apply said estate, or shall neglect or refuse to perform his or her duty as such guardian, the court appointing such guardian may, if they think fit, on application of any surety in said guardian's bond, order such guardian to render an account, and to execute to such surety a bond of indemnity, with surety or sureties, approved of by the court; and, upon neglect or refusal to execute such bond of indemnity, within the time ordered by the court, they may remove him or her, and revoke his or her appointment, and appoint another guardian in his or her place.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT

To amend the act entitled "An act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent," passed March 7, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That at the next annual election for school directors, the electors shall elect one of said directors for the term of one year, one for the term of two years, and one for the term of three years; and at each annual election thereafter, there shall be elected one director, who shall hold his office for the term of three years, and until his successor is elected and qualified; and all vacancies which may occur, in said office, shall be filled for the residue of the term by the appointment of the township clerk, made in writing, and entered on the records of the proceedings of the directors.

Term for which school directors shall be elected.

SEC. 2. The clerks of the several school districts shall, annually, between the first and twentieth day of October, take, or cause to be taken, an enumeration, in writing, of all the white youth in their respective districts, between four and twenty one years of age, not embracing such as are temporarily within the limits of any district, attending any academy or college; but such shall be enumerated in the district in which their legal residence is. And said clerk shall, on or before the first day of November thence next ensuing, deposit with the clerk of the township a fair and accurate copy of said enumeration, in writing, so as aforesaid made.

Clerks of school districts to take enumeration of white youth, and report to township clerk.

SEC. 3. The clerks of the respective townships shall, annually, on or before the fifteenth day of November, make out and return to the auditors of their proper counties, fair and accurate abstracts of the enumerations of each district, separately, so as aforesaid made; and the auditors of the several

Clerks of townships to make returns to county auditor;

—County auditor to make return, annually, to superintendent.

District and county clerks' fees.

Auditor of State shall annually apportion school funds;

—County auditors to annually apportion school fund for counties.

Township treasurers shall retain a copy of teacher's certificate.

District and township clerks and county auditors responsible for losses, and shall be liable to action, &c.

Tax voted by one township not to be expended in another.

State superintendent to prepare an edition of school law, directions and forms.

No. of copies and their distribution.

To be printed by state printer.

counties shall, annually, make a return of the enumeration, for the counties, to the superintendent, in the same manner, and at the same time, as is now required by the thirtieth section of the act to which this is an amendment.

SEC. 4. The district clerks shall each be allowed the sum of one dollar for taking and returning the enumeration aforesaid, to be paid out of any funds in the district treasury; and the township clerks shall each be allowed the same fees as is now provided for by law.

SEC. 5. The auditor of state shall, annually, apportion the common school funds among the different counties, upon the enumeration and returns made to him by the superintendent; and the county auditors shall, annually, apportion the school funds for their respective counties, according to the enumeration and returns in their respective offices; and no district which shall have failed to make and return such enumeration, shall be entitled to receive any portion of the common school funds.

SEC. 6. The township treasurers shall retain a copy of the certificate of qualification of any teacher, instead of the original, when such teacher applies for the payment of his services.

SEC. 7. The district and township clerks, and the county auditors, shall be responsible for all losses sustained by any district, township, or county, by reason of any failure on their respective parts, to make and return the enumerations and abstracts thereof, as is hereinbefore provided for; and shall each be liable for the same, in an action of debt, at the suit of the State of Ohio; and the amounts so recovered shall be apportioned in the same manner as the school fund would have been to the respective counties, townships, or districts, as the case may be.

SEC. 8. Where a district is composed of two or more townships, the school tax assessed by any one of said townships shall be distributed only to such inhabitants of said districts as reside in the township which voted the assessment.

SEC. 9. There shall be prepared, by the superintendent, an edition of all laws relating to common schools, with such notes, directions, and forms, as said superintendent shall deem proper for the instruction and guidance of the various county, township, and district officers, in the performance of their respective duties under said laws.

SEC. 10. The number of copies of said edition shall be fixed by the superintendent, and be sufficient to meet the distribution hereinafter directed, and leave a surplus for the supply of new districts, as the same may be established.

SEC. 11. The state printer shall cause said edition to be printed, under the direction of the superintendent, in a neat and accurate manner, and shall be allowed, for the same, such price as he is allowed for printing the general and local laws of

the general assembly, which shall be paid out of the literary fund now on hand.

SEC. 12. The superintendent shall cause the same to be bound in a good and substantial manner, and to be distributed with the laws and journals of the present general assembly.

To be bound in a good and substantial manner.

SEC. 13. Each county auditor, township clerk, district clerk, and the board of school examiners, shall be entitled to receive, for the use of their respective offices, one copy of said laws and forms, and they shall transmit the same to their respective successors in office.

Who entitled to laws.

SEC. 14. When any original surveyed township, in which section sixteen has been sold, shall lie in two or more counties, the auditors of the respective counties shall certify to the auditor of that county, in which that portion of said township lies containing said section sixteen, the enumeration of the scholars in that part of said township embraced within their respective counties; and the auditor of said county, in which said section sixteen is situate, shall apportion the fund derived from said section sixteen, to the different portions of said township, according to said enumeration, and shall certify to the auditors of the other counties the amount belonging to the parts of said township situate in their respective counties, and draw an order in favor of the treasurers of the other counties, on the treasurer of his own county, for the amount going to each; and the auditors of the respective counties shall apportion the same among the districts in their respective counties, to which the same belongs.

When school land may lie in two or more counties, how to proceed.

SEC. 15. The interest on the purchase money on any such section sixteen, belonging to any original surveyed township, so as aforesaid, lying in two or more counties, shall be paid over on the order of the auditor of that county in which such section sixteen is embraced, to the treasurer of the same county, to be apportioned as is pointed out in the last preceding section.

Interest on purchase money, to whom paid.

SEC. 16. That so much of the law now in force as prohibits the trustees of townships from making any alteration in any school district, unless a majority of the residents, householders therein, shall assent thereto, in writing, be and the same is hereby repealed.

Trustees may alter school district.

SEC. 17. That each and every lot and parcel of land which heretofore has been, or hereafter shall be appropriated, for the use of a common school in this state on which there has been or shall be a school house erected, and which has been or shall be occupied for the purpose of accommodating a common school, from time to time, in the usual manner, howsoever, or by whomsoever the legal title to the same may be held and vested, be and the same is hereby exempted from sale, on any execution, or other writ or order, in the nature of an execution, from and after the taking effect of this act; provided, that the lot of land so exempted, if situated without the bounds of

School houses not to be sold on execution.

any city or recorded town plat, shall not exceed two acres, and if situated within any city or recorded town plat, shall not exceed one acre; provided, also, that if the boundaries of the parcel of land exempt, as aforesaid, be uncertain, the school directors, or other person or officer having charge or management of the school house thereon, shall, at the request of the officer holding the execution or order of sale, cause such appropriated and hereby exempt parcel, or lot of land, to be surveyed, and the boundaries to be ascertained.

School tax,
when payable.

SEC. 18. That whenever the directors of any school district shall hereafter levy a tax, under the provisions of the seventeenth section of the act to which this is an amendment, they shall, at the same time, prescribe the period within which the said tax shall become due and payable to the district treasurer; provided, that the time allowed for that purpose shall not be less than thirty days.

Two school directors to form a quorum, and give orders for money.

SEC. 19. That any two school directors in the same school district in this state shall constitute a quorum for the transaction of business, and shall be authorized to give all orders for money, which school directors are authorized to give; any thing in the act to which this is an amendment to the contrary notwithstanding.

Youths may attend German school out of their district.

SEC. 20. That section eighteen of the act to which this is an amendment be and the same is hereby so amended that youths, who may desire to be taught in the German language, may attend a school taught in such language, out of their own district, whether an English school be taught in their district or not.

Township treasurer's commission on school funds.

SEC. 21. That the trustees of townships shall be authorized to allow the township treasurer a sum not exceeding one per cent. of the amount of school funds disbursed by him, to be paid, on their order, out of the township treasury, as a compensation for his services under the school law.

Repealing clause.

SEC. 22. All acts and parts of acts inconsistent with, or contrary to, the provisions of this act, be and the same are hereby repealed.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT

To repeal so much of each and every act of the General Assembly as empowers any incorporated city, town, village, or borough, within the State, to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drinks.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to authorize the corporations therein named to grant licenses, &c.," passed February eighteen, one thousand eight hundred and thirty, and so much of each and every act incorporating any city, town, village, or borough, within this state, as confers the power upon any such incorporation to license groceries or coffee houses, or in any manner to authorize the retailing of spirituous or intoxicating drinks, or to license any house of public entertainment, or resort whatever, be and the same is hereby repealed.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
 JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

To amend the act entitled "An act defining the powers and duties of Justices of the Peace and Constables in criminal cases," passed March 27, 1837, and the act amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the justice issuing any warrant, on the affidavit of any person, for an offence not punishable by confinement in the penitentiary, may, at his discretion, require such complainant to acknowledge himself responsible for cost, in case the complaint shall be dismissed, which acknowledgment shall be entered on the docket of the justice; and the justice, on such dismissal, is required to render a judgment against such complainant, for the costs made thereon, unless the justice shall be of opinion that the complainant had reasonable grounds for instituting such prosecution; and in case said justice shall consider such complainant wholly irresponsible, such justice may, in his discretion, refuse to issue any warrant, unless the complainant procure some responsible security, to the satisfaction of such justice, for said costs, in case of such dismissal; and said security shall acknowledge himself so bound, and the justice shall enter it on his docket; provided, however, that in no such case shall the costs be paid out of the county treasury.

Justice may require acknowledgment for costs.

—On dismissal, judgment to be rendered for costs.

SEC. 2. Each and every justice of the peace shall, on or before the first day of February, in each and every year, make out, and deliver to the auditor of the county, in which said jus-

Justices to render to county auditor yearly statement of fines assessed.

tice may reside, a statement, in writing, of all fines assessed by him as such justice, for the year ending on the first day of January, next preceding, containing, in each case, the name of the party, the amount of the fine, the costs thereon, the time when assessed, and whether execution has been issued, and the return thereon, or, if no execution has been issued, the reason for not issuing the same; and if said fine has been made, the justice shall produce to the said auditor the receipt of the proper officer for the payment of the same; and in case no fines have been assessed by such justice, for the time aforesaid, then such justice shall return that fact, at the time aforesaid; which statement shall be certified by such justice, to be a true and correct statement, from his docket.

Justices to keep a separate docket for criminal cases.

SEC. 3. Each and every justice of the peace shall provide himself with a good and substantial blank book, in which he shall enter, by themselves, all proceedings on any complaint for a violation of the criminal laws of this state; and he shall be allowed to retain, out of any moneys collected by him on any such proceedings, and belonging to the county, the cost of the same; and every justice of the peace, in case of his resignation, removal, or the expiration of his term of office without a re-election, or his personal representatives, in case of his death, shall deposit such docket with the clerk of the township in which such justice may have resided, or shall reside, for safe keeping; and such clerk is hereby authorized to give transcripts of any proceedings contained in the same, and undisposed of, on which a scire facias may issue, before any justice of the peace, for the collection of any money due thereon; and such proceedings shall be had on said scire facias, as is provided for in civil cases.

Penalty for neglect of duty by justices.

SEC. 4. Any justice of the peace who shall neglect or fail to make the returns and statements required in the second section of this act, and, as therein required, shall pay a fine of fifty dollars, to be recovered by action of debt, in the name of the state of Ohio, for the use of the county in which such justice may reside, and before any other justice of the peace of such county; and it is hereby made the duty of every auditor to proceed, forthwith, by suit, against any such justice, for the penalty aforesaid, in case such return is not made as aforesaid; and no stay of execution shall be allowed in any judgment rendered therein.

SEC. 5. That all laws, and parts of laws, which are inconsistent with the provisions of this act, be and they are hereby repealed.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT.

Declaratory of the forty sixth section of the act entitled "An act relating to Wills."

Whereas, doubts have arisen, under the forty sixth section of the act entitled "an act relating to wills," passed March twenty third, one thousand eight hundred and forty, whether, where a widow fails to elect to take, under a will, in lieu of dower, she shall be entitled to share in the personal estate, to the exclusion of legatées, or only a share in such of the personal estate as remains unbequeathed; and, whereas, it is proper that such doubts be removed; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That nothing in said section contained shall be so construed as to vest in the widow personal estate that is lawfully bequeathed by her husband to other persons; but in all cases in which the widow fails to make election, to take, under the will of her husband, in lieu of dower, as is provided in said act and section, she shall retain her dower in his real estate, and her distributive share in the personal estate, not disposed of by the will.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT.

To punish crimes therein named, and prevention of a fraudulent currency.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall issue and put in circulation, or procure to be issued and put in circulation, or assist in issuing and putting in circulation, any evidence of indebtedness, either printed, written, or struck, or made or drawn in any other manner, designed and calculated, or used to circulate as currency, the same being printed, written, engraved, stamped, or made or drawn in any manner whatever, by such person or persons so issuing and putting in circulation such evidence of indebtedness, as aforesaid, or procured so to be printed, written, struck, or made or drawn in any manner whatever, by such person or persons so issuing and putting in circulation such evidence of indebtedness, as aforesaid, except persons or companies authorized so to do by some law of this state, or other state of the Union, or United States, every such person or persons, so offending, shall be deemed guilty of a misdemeanor,

Punishment for
issuing a fraud-
ulent currency.

and, on conviction thereof, by indictment, shall be imprisoned in the penitentiary, and kept at hard labor, not more than three years, nor less than one year.

Punishment of
brokers and
others for deal-
ing in fraudu-
lent currency.

SEC. 2. That if any person engaged in, or carrying on the business of a broker, or exchanger of money, or any other person whose usual business is to loan or deal in money or currency shall, directly or indirectly, pay, give, or offer in payment, or in anywise put in circulation, any instrument or evidence of indebtedness, defined in the first section of this act, or give credit and currency to any such instrument or evidence of indebtedness, by indorsement, guarantee, or in any other manner holding himself or themselves out as responsible for the redemption or payment of the same, the person, so offending, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, by indictment, in the court of common pleas, shall be imprisoned in the penitentiary, and kept at hard labor, not more than three years, nor less than one year.

Certain sec-
tions of former
acts repealed.

SEC. 3. That so much of the first section of the act entitled "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January twenty seven, one thousand eight hundred and sixteen, as provides for the penalty and forfeiture of one thousand dollars; and, also, so much of the third section of the act entitled "an act to amend an act entitled 'an act to prohibit the issuing and circulating of unauthorized bank paper, passed January twenty seven, one thousand eight hundred and sixteen,'" passed February sixteen, one thousand eight hundred and thirty eight, as imposes penalties, as provided for in the fourth section of the act passed January twenty seven, one thousand eight hundred and sixteen, as above referred to; and, also, so much of the third and fifth sections of the act entitled "an act to prohibit the establishment, within this state, of any branch, office, or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other state, or by the laws of the United States, and for other purposes," passed January nine, one thousand eight hundred and thirty nine, as comes within the purview of this act, and conflicts therewith, be and the same is hereby repealed; provided such repeal shall in no manner affect any suit or prosecution now pending, or any liability incurred, under the aforesaid sections of said acts, previous to the taking effect of this act.

Punishment of
officers, &c.

SEC. 4. That if any person, being president, cashier, director, teller, clerk, or other officer of any banking institution of this state, shall purposely, knowingly, and corruptly, put in circulation, or aid or assist in putting in circulation, any of the bills, notes, bonds, checks, or other evidence of debt, issued by such banking institution, and calculated and designed to pass as money or currency, knowing that the banking institution that issued the same is insolvent, or is about to fail, with intent to defraud or injure any person or persons, body or bodies, corpo-

rate or politic, every person, so offending, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty years, nor less than one year.

SEC. 5. That it is hereby made the duty of all president judges of the court of common pleas, specially to give this act in charge to the grand jury at the commencement of every term of their several courts. Judges to give this act in charge to grand jury.

SEC. 6. This act shall take effect and be in force on and after the first day of April next.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

March 7, 1842.

AN ACT

To amend the act entitled "An act to punish trespassers on the Public Lands,"
passed March 31, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where any of the trespasses, mentioned in the first section of the act to which this is an amendment, shall hereafter be committed, on any of the canal, school, or ministerial lands of the state of Ohio, it shall be the duty of the prosecuting attorney of the county in which such lands are situate, and he is hereby required, on being notified of such trespass, to cause such trespasser, or trespassers, to be arrested and arraigned before a justice of the peace of the proper county, whose duty it shall be to issue a warrant or warrants for such arrest on the demand of such prosecuting attorney, and when brought before him, to cause such trespasser or trespassers to be committed to the jail of the county, unless he or they shall enter into a recognizance, with one or more good and sufficient securities, to appear at the court of common pleas next to be holden in said county, and abide its determination of the matter of complaint, and that he or they will commit no further trespasses on such lands; whereupon, the prosecution shall be continued by indictment before said court. Prosecuting attorneys to bring suit against trespassers on public lands.

SEC. 2. It shall be the duty of the county surveyor of the proper county, and he is hereby required, to ascertain all such trespasses as aforesaid; to identify the trespassers; obtain the names of the necessary witnesses, and faithfully report the result of his proceedings to the prosecuting attorney of his county, for which services he shall be paid out of the fines to be collected, and from the sales of lumber, as hereinafter provided. Duty of county surveyors in respect to trespasses on public lands.

Prosecuting attorneys authorized to seize timber, &c. and make sale of the same.

SEC. 3. That in all cases where trespasses have been heretofore committed on any of said lands, it shall be the duty of the prosecuting attorney of the county in which the offence has been committed, and he is hereby required, to proceed to the prosecution of such trespasser or trespassers to final judgment, according to the provisions of the act to which this is an amendment; and the said prosecuting attorney is, also, hereby authorized, and required, to seize, or cause to be seized, all hewed timber, logs, rails, staves, heading, and other lumber, the product of any timber or trees which may have been, or may hereafter be, cut upon such canal or school lands, whenever the same may be found, and to sell the same, after five days notice of such sale, at public auction, to the highest bidder, and after paying the expenses of such seizure and sale, and the costs of such prosecution as shall be instituted under this act, to pay the balance, if any, to the treasurer of state.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT

Supplementary to the act entitled "An act further to amend an act providing for the appointment of the Board of Bank Commissioners, and for the regulation of banks within the State of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the State of Ohio," passed February 18, 1842.

Special commissioners, heretofore appointed, empowered to close banks.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the special commissioners who, since the first day of January, one thousand eight hundred and forty two, have been appointed to close the affairs of any banking institution of the state of Ohio, under the act entitled "an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio," passed February twenty five, one thousand eight hundred and thirty nine, and the act amendatory thereto, passed March twenty third, one thousand eight hundred and forty, be and they are hereby authorized, from and after the passage of this act, to proceed and close up the affairs of such institution, in all respects as receivers are empowered and required to do under the act entitled "an act further to amend an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio," passed February twenty fifth, one thousand eight hundred and thirty nine, and enforce the resumption and continuance of specie payments by the banks within the state of Ohio, passed February fourteenth, one thousand eight hundred and forty two; and in any

suit wherein such banking institution may be a party, the court in which the same may be pending shall, in all respects, be governed by the provisions of said last mentioned act.

SEC. 2. The special commissioners, or receivers, appointed under either of the above mentioned acts, to close the affairs of any banking institution in this state, shall be authorized to use the corporate name of such banking institution for such period, after the expiration of its charter, as may be necessary in the adjustment or settlement of its affairs, whether by suit or otherwise.

Special commissioners to use the corporate name of bank, after the expiration of its charter.

SEC. 3. That in any suit or action at law or chancery, commenced by the assignee or trustee of any banking institution, when such assignment or transfer has been made for the purpose, either expressed or implied, of avoiding any law defining the duties of bank commissioners, or the regulation of banks and closing their affairs, it shall, on the application of the bank commissioners of the state of Ohio, or any other person, be the imperative duty of the court of common pleas, or any judge of the supreme court, or any president judge of the state of Ohio, to grant an injunction, staying, setting aside, and abating, all such suits, actions, or proceedings in law or chancery; provided the bank commissioners of the state of Ohio shall have obtained, on petition or otherwise, a mandamus or injunction against such bank, at any period subsequent to its assignment.

Suits, on assignments, to be stayed by injunction.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

Making appropriations for the year 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, and for the purposes hereafter specified, to be paid out of any moneys in the treasury, be and the same are hereby appropriated—that is to say: Appropriation;

For the payment of members of the general assembly, their clerks, assistant clerks, sergeant-at-arms, and door keepers, and messengers, a sum not exceeding thirty five thousand dollars; —For payment of members of the general assembly, &c.;

For paying the salaries of governor, auditor, treasurer, secretary of state, librarian, superintendent Lunatic Asylum, and chief clerk in the department of public works, the sum of seven thousand six hundred dollars; —For salaries of State officers;

- For salaries of Judges, &c.; For paying the salary of the judges of the supreme court, the president judges of the courts of common pleas, and the judge of the superior court of Cincinnati, and the reporter of the decisions of the supreme court, the sum of twenty five thousand six hundred dollars;
- For compensation of Board of Public Works; For paying salaries and per diem compensation of the members of the board of public works, the sum of three thousand dollars;
- For paying State Printer; For paying the state printer, for his services, a sum not exceeding twelve thousand dollars;
- Bounties on wolf scalps; For paying bounties on wolf scalps, a sum not exceeding one thousand dollars;
- For paying militia officers; For paying the expenses of adjutant and quartermaster generals, and brigade inspectors, a sum not exceeding three thousand dollars;
- Contingent fund of Gov'r; For the contingent fund of the governor, a sum not exceeding four thousand dollars;
- For Secretary of State; For the contingent fund of the secretary of state, a sum not exceeding sixteen hundred dollars;
- For Treasurer of State; For the contingent fund of the treasurer of state, a sum not exceeding twelve hundred dollars;
- For Auditor of State; For the contingent fund of the auditor of state, including one thousand dollars for new entries, a sum not exceeding five thousand dollars;
- For purchase of wood; For the purchase of wood, for the next general assembly and public offices, a sum not exceeding four hundred dollars;
- For bounty on silk. For the payment of bounty on silk, for the year 1841, a sum not exceeding five hundred dollars;
- For Treasurer's mileage; For the payment of treasurer's mileage, a sum not exceeding twelve hundred dollars;
- Distribution of laws and journals; For the distribution of laws and journals, a sum not exceeding two hundred dollars;
- Public arms; For the distribution, cleansing, and storing public arms, a sum not exceeding fifteen hundred dollars;
- State Library; For the state library, a sum not exceeding four hundred dollars;
- Postage of Legislature; For paying postage of the speakers, members, and officers of the Senate and House of Representatives, a sum not exceeding twenty five hundred dollars;
- Lunatic Asylum, &c.; For the Lunatic Asylum, a sum not exceeding twelve thousand dollars;
- Blind. For the Ohio institution for the education of the blind, a sum not exceeding six thousand dollars;
- Bank commissioners. For salary and expenses of board of bank commissioners, a sum not exceeding four thousand dollars;
- Franklin county; For the payment of the county of Franklin, for buildings erected by said county on the public square, the sum of one hundred and fifty dollars;
- Attorneys' fees; For the payment of attorney's fees in prosecutions in behalf of the state, a sum not exceeding two thousand dollars.

For the payment of the following claims allowed by the —Claims.
present General Assembly:

Hall and Jenkins, four dollars and seventy five cents;
Matthias Martin, three dollars;
Mr. Lewellen, one dollar and fifty cents;
Conrad Heyl, twenty two dollars seventy five cents;
M'Coy, Work, and M'Coy, thirty six dollars thirty five cents;
E. Ayres and co., fifteen dollars one cent;
J. Ridgway and co., seven dollars sixty eight cents;
E. Corse, seventeen dollars forty four cents;
Edward N. Slocum, thirty dollars;
Arnold Hardy, thirty nine dollars fifty cents;
Zechariah Mills, forty eight dollars eighty one cents;
S. B. Stanton, one hundred sixty five dollars sixty four cents;
Wm. Domigan, one hundred dollars;
I. N. Whiting and Huntington, six dollars seventy five cents;
Henry W. Derby, six dollars seventy five cents;
Gills and M'Cune, five dollars;
John Walton, eleven dollars;
Platt and co., four dollars;
A. Backus, thirteen dollars;
Jacob Boswell, fifty dollars.

That all appropriations hereby made, are in addition to the —Unexpended
unexpended balances of the appropriations of the year one balances.
thousand eight hundred and forty one, and the temporary ap-
propriations of January eleventh, one thousand eight hundred
and forty two, and such balances shall be applicable to their
designated objects, respectively.

SEC. 2. That the auditor of state be and he is hereby Auditor to re-
authorized to reimburse his contingent fund from the appro- imburse con-
priation for the payment of attorneys, for the amount paid tingent fund,
from said fund for that purpose; and that in all cases where &c.
judgments are or may be recovered for defalcations in the
school funds, canal tolls, or upon suits for other funds than the
general revenue, the auditor of state shall cause to be paid
from the first collections thereof, to the credit of the general
revenue, any amounts that may have been previously paid for
costs, fees, or expenses, in the prosecution of such suit.

SEC. 3. The governor, auditor, secretary, and treasurer of State officers to
state, are hereby required to report, each, the items of expen- report contin-
diture of his contingent fund, to the next general assembly, gent fund.
within ten days after the commencement of the session.

SEC. 4. The auditor and treasurer of state shall each con- Conformation
form to the requirements of the third, fourth, fifth, and sixth of auditor and
sections of the act making appropriations for the year eighteen treasurer of
hundred and thirty seven, passed April third, eighteen hundred state to third,
and thirty seven, all of which are hereby declared to be and fourth, fifth
and remain in full force. and sixth sec-
tions of act of
April 3, 1837.

- Tax for state purposes.** SEC. 5. That there shall be levied an annual tax of one and three fourth mills on the dollar of valuation for state purposes.
- Close of fiscal year.** SEC. 6. That the fiscal year, in all the departments of the state, shall close on the fifteenth day of November, annually; and all annual reports from such departments shall be made with reference to that date.
- Auditor to transfer from general revenue to school fund.** SEC. 7. That the auditor of state be and he is hereby directed to transfer from general revenue to state common school fund, the amount of deficiency which may be found to exist in said fund on the fifteenth day of November next, in order to complete the apportionment of the present year.
- Auditor to transfer to canal fund balance of literary fund.** SEC. 8. That the auditor of state be and he is hereby authorized and directed to transfer to the canal fund the balance of the literary fund remaining unappropriated in the treasury, which fund so transferred shall be appropriated by the fund commissioners to the payment of the interest on the state debt.
- Board of Public Works to consist of three members.** SEC. 9. That from and after the first day of April, one thousand eight hundred and forty two, the board of public works shall consist of three acting members only.
- President of board of public works abolished, and William Spencer, Rodolphus Dickinson, and Leander Ransom appointed.** SEC. 10. The office of president of the board of public works is hereby abolished; and from and after the said first day of April, one thousand eight hundred and forty two, the board of public works shall consist of the following persons only: William Spencer, who shall hold his office for the term of four years from the first day of April next; Rodolphus Dickinson, who shall hold his office for the term of four years from the first day of April next; and Leander Ransom, who shall hold his office for the remainder of the term for which he was heretofore elected.
- School fund reduced, and parts of former act repealed.** SEC. 11. That the aggregate amount of state common school fund for distribution, be and the same is hereby reduced to one hundred and fifty thousand dollars; and that so much of the third section of the act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March seven, one thousand eight hundred and thirty eight, as conflicts with this section, be and the same is hereby repealed.
- Repealing clause.** SEC. 12. That all acts and parts of acts heretofore passed, inconsistent with the foregoing sections, be and the same are hereby repealed.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
 JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

To provide for paying the temporary liabilities of the State, the interest on the State debt, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the canal fund shall be, and they are hereby, authorized to issue and sell, on the best terms practicable, for and on behalf of this state, stock of the state, bearing an interest of six per cent. per annum, payable semi-annually in the city of New York, and redeemable in said city, at the pleasure of the state, after the year one thousand eight hundred and seventy, to the amount, and for the purpose following: that is to say, for the purpose of paying the temporary loans contracted on behalf of this state by said commissioners, in the city of New York, and in this state, and now remaining unpaid, so much stock as will produce a net sum, not exceeding five hundred thousand dollars, the avails thereof to be applied to the payments aforesaid, at the places where borrowed; and no more stock, redeemable at any place out of the state of Ohio, or stock on which the interest is payable out of the state, shall be issued or sold.

Commissioners of canal fund to issue state stock, redeemable after 1870, as follows, viz.

For paying temporary loans in New York.

SEC. 2. That the commissioners of the canal fund be, and they are hereby, authorized and required, immediately upon the passage of this act, to borrow, on the credit of the state, a sum or sums of money, not exceeding one million and three hundred thousand dollars, for the purposes of paying balances now due to the contractors upon the public works, and for the completion of the Wabash and Erie canal; and the loans, so made, shall bear a rate of interest, to be named upon the face of the bonds at the discretion of the commissioners, not exceeding six per cent. per annum, payable semi-annually at the state treasury; and the principal shall be redeemable, at the pleasure of the state, at the state treasury; and for the final redemption of said loans, and the punctual payment of the interest thereon, the faith of the state is hereby pledged; provided that no certificate of canal stock, or other evidence of debt, issued by the said commissioners for the loans herein authorized to be made, shall be sold, or otherwise disposed of, at a rate less than par.

—Paying balance due contractors for completing the Wabash & Erie canal.

Faith of state pledged.

SEC. 3. That the further prosecution of all the public works of this state shall be suspended, from and after the passage of this act, until the close of the next general assembly, except the said Wabash and Erie canal, and such other work on the canals as is now under contracts, and on which the work has actually been commenced.

Public works suspended, except the Wabash and Erie canal.

SEC. 4. That for the purpose of procuring loans to make up the sum provided for in the second section of this act, from the citizens and inhabitants of this state, said commissioners are hereby authorized and required, immediately upon the passage of this act, to publish in the newspapers printed in Columbus, and at least in one other newspaper in each county in

Publication of propositions for domestic loans—how to be made.

this state wherein a newspaper may be published, a notice, that, upon certain days therein specified, the said commissioners will receive, at places therein to be specified, proposals, from individuals or companies, to loan money to the state under the authority of the second section of this act; and it shall be the duty of the said commissioners, on the day specified, to attend at the place or places specified, and make any loan that may be proposed within the limitations of the second section of this act; and, upon any loan being made, as aforesaid, it shall be the duty of the said commissioners to issue, to the person or company making the same, certificates of canal stock, with the rate of interest at which the said loan was made, specified on the face of said bond, in the usual size and form of such certificates heretofore issued; provided that it shall not be lawful, in any case, to borrow from any person or company a sum less than one hundred dollars, or to issue any certificate for an amount less than one hundred dollars, exclusive of the interest therein named.

Form and amount of certificates.

Certificates to be reported to, and registered by, the auditor;

SEC. 5. That every certificate issued under the provisions of this act, to any resident or corporation of Ohio, shall be reported to, and registered by, the auditor of state, in a book to be provided by him for that purpose, which register shall contain the amount of each certificate, the rate of interest named therein, and the name of the person in whose favor the same was issued.

—\$300,000 receivable in payment for Wabash and Erie canal lands;

—\$200,000 in payment for Miami canal lands.

SEC. 6. That of the amount of certificates of loan, authorized to be issued in the second section of this act, the sum of three hundred thousand dollars shall be made receivable in payment of the Wabash and Erie canal lands, and the sum of two hundred thousand dollars shall be receivable in payment for the Miami Extension canal lands, and such fact shall be stated on the face of the bonds so issued; and the treasurer under the direction of the fund commissioners, is hereby authorized to pay the same to the contractors upon the respective works, provided they are willing to receive the same; and the treasurer of state, under the direction of the fund commissioners, is further authorized to pay to contractors, in satisfaction of their claims, certificates of loans not based upon the canal lands, as aforesaid, provided the contractors are willing to receive the same.

Treasurer to pay state bonds to contractors.

Collector to make weekly abstract of all moneys received for tolls, &c.

SEC. 7. That the auditor of state shall require each collector of canal tolls, on the Monday of each week during the time when the canals shall be open for navigation, to make out and transmit to his office, abstracts of all moneys received for tolls, fines, penalties, forfeitures, and water rents, during the preceding week, together with such accounts, statements, and vouchers, as may be necessary to show the balance of money due to the state from such collector; and each collector shall, within ten days from the time when such abstracts and accounts are required to be made out, pay into the state treasury,

—To make payment within ten days from making of each abstract.

or deposit with such person or agent, and in such place as the treasurer may designate; the full amount of money which may be found due to the state, and, in case of deposit, such collector shall forthwith transmit, by mail, to the auditor of state, a certificate of deposit for the money so deposited; and if any collector of canal tolls shall fail to make out and transmit to the auditor of state the abstracts, accounts, and vouchers, so as aforesaid required, or shall fail, within the time hereinbefore limited, to pay over or deposit the amount of money due the state, and transmit a certificate thereof, in case of deposit, as hereinbefore required, then, and in either case, such delinquent collector, and his sureties, shall be proceeded against as provided by the seventy third and seventy fourth sections of the act entitled "an act to regulate the navigation and collection of tolls on the canals of this state," passed February twenty three, one thousand eight hundred and thirty; which sections are hereby revived and declared to be in full force. Penalty.

Sec. 8. That the governor, the auditor of state, and the commissioners of the canal fund, are hereby severally required to suspend all further action under the "act to authorize a loan of credit by the state to railroad companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal and slackwater navigation companies," and under the act repealing the above recited act, so far as said acts, or either of them, authorize or require subscriptions to the capital stock of any of said companies, the loaning of the credit of the state to any railroad company, the payment of money, the issuing of warrants or drafts for the payment thereof, until the close of the next annual session of the general assembly. Subscription by state to turnpike road companies, loans of credit to railroad companies, and issuing of warrants, suspended.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT

To amend "An act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties of the state, wherein poor houses have been, or wherein poor houses hereafter may be, erected, it shall be the duty of the sheriff, on receiving a warrant of commitment against an idiot, lunatic, or insane person, who is a pauper, to lodge such person in the poor house of the county, instead of the county jail, as heretofore provided. Duty of sheriff respecting paupers, lunatics, &c.

Poor houses
substituted in
place of jails
for the confine-
ment of lunatics.

SEC. 2. That in all counties of the state, wherein poor houses have been, or, wherein poor houses hereafter may be erected, the poor house shall be substituted in place of the county jail, as a place of confinement, in all proceedings under the law to which this is an amendment; provided, however, that if, in the opinion of the court, the poor house shall not be adapted to the confinement of insane persons who are extremely refractory, then it shall be in the discretion of the court to direct their confinement in the county jail.

SEC. 3. That so much of all acts, as may conflict with this act, are hereby repealed.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

To amend an act entitled "An act further to amend the act entitled 'an act to prohibit the issuing and circulating of unauthorized bank paper,' passed January 27, 1816," and to repeal certain acts and parts of acts therein named, passed March 23, 1840.

Penalties—to
whom to be
paid

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all forfeitures and penalties recovered for violations of the act to which this is an amendment, except the cases provided for in the fourth section of said act, shall be for the sole use and benefit of the person suing for the same, in manner and form specified in said act; the money so recovered to be paid over, immediately on collection, to the person or persons suing, as aforesaid, by the officer before whom recovery shall be had.

Prosecuting at-
torneys to in-
stitute suits.

SEC. 2. That it is hereby made the duty of all prosecuting attorneys, within their respective counties, within the state of Ohio, to institute suit for all violations of said act, except the cases provided for in the fourth section of said act, against all companies incorporated by law, and all persons as named in said act, on the application of any person or persons being a citizen of this state, who desires to sue for the same. And every prosecuting attorney who shall fail or refuse to bring suit, except when engaged in the discharge of other official duties, as required by this act, shall, for every such offence, forfeit and pay the sum of two hundred dollars, to be recovered by indictment in the court of common pleas, of the county wherein said offence was committed, to be paid, the one half into the treasury of said county for the use of common schools, and the other half to the person who made application to have suit brought, which said prosecuting attorney failed, or refused, or neglected to bring.

Penalty for re-
fusal.

SEC. 3. No public officer, county treasurer, or other person, acting on behalf of this state, shall, after the fourth day of March next, receive, or pay out, on account of this state, any notes or bills, of any description whatever, intended, or used, to circulate as currency, that may have been issued by any bank or banker whatever, unless the same are, at the time the same are received and paid out, redeemable, on demand, at the will of the holder, in gold or silver coin, at the place where issued, excepting such circulating notes or bills of any bank, as may be in the treasury, or as shall have been received on account of this state, by any officer, county treasurer, agent or person, as aforesaid, before the fourth day of March next; and any officer, treasurer, or person as aforesaid, offending against the provisions of this section, shall be held liable in an action of debt, in the name of the state of Ohio, for the difference, in value, between such paper and gold or silver coin, and shall, moreover, be forthwith removed from office or employment.

County treasurers, and others, not to receive or pay out certain notes or bills.

Persons offending held liable, &c.

SEC. 4. That so much of the act to which this is an amendment as is inconsistent with the provisions of this act, and the fourth section of the same act, be and the same is hereby repealed.

Repealing section.

SEC. 5. That this act shall take effect and be in force on, and after, the first day of March next.

Act when to take effect.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

Instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any company or association, incorporated by a law of this state, for any purpose whatever, and which is not expressly authorized by law to transact the business of banking, shall have committed either of the following delinquencies, to wit:

General provisions.

First: Become insolvent;

Insolvency.

Second: Wilfully and wrongfully refused to pay, discharge, or redeem any of its notes or other evidences of debt, or any checks, orders, drafts, or warrants drawn upon such corporation, or upon the treasurer or other officer thereof, and heretofore issued and put in circulation by the authority of such corporation, or by any person in its employment, with the consent of the directors or officers of such corporation;

Refusal to pay.

Suspension for
one year.

Wilful viola-
tion.

Paying out
notes, &c.

Adjudged to
be dissolved.

Court to grant
injunction on
application of
prosecuting at-
torney.

Application to
be made in any
county where
corporate
rights are ex-
ercised.

Proceedings to
be conducted
as is usual in
chancery.

Third: Suspended the ordinary and lawful business of such corporation for the term of one year;

Fourth: Wilfully violated any of the provisions of its act or acts of incorporation, or of any other act binding on such corporation;

Fifth: Issued, paid out, or put in circulation, or caused the same to be done by any of its officers, agents, or other persons, in any manner, or by any means whatsoever; any notes, bonds, bills, checks, orders, certificates, or other evidences of debt, designed, calculated and intended to circulate as currency; such company or association shall be deemed to have surrendered the rights, privileges, and franchises, granted by any act of incorporation, or acquired under the laws of this state, and shall be adjudged to be dissolved.

SEC. 2. Whenever any such corporation shall have committed either of the delinquencies in the foregoing section mentioned, it shall be the duty of the supreme court, or of any judge thereof, or of the court of common pleas, or of any president judge thereof, upon application, to restrain, by injunction, any such corporation, and its officers and agents, from exercising any of its corporate rights, powers or privileges, or from collecting or receiving any debts or demands, and from paying out, or in any way transferring or delivering to any person, any of the moneys, property or effects of such corporation, until such court or judge shall otherwise order; and such injunction may be granted upon the application of any prosecuting attorney, or of any stockholder, or creditor of such corporation, upon bill or petition filed for that purpose, accompanied with satisfactory proof, by affidavit or otherwise, of the commission of such delinquency, to authorize the same.

SEC. 3. Such application may be made, and injunction granted, in any county in which such corporation may be in the exercise of any of its corporate rights, powers, or privileges, and upon such application being made, in any stage of the proceedings thereupon, it shall be the duty of such court, or judge, should the same become necessary, to appoint one or more receivers to take charge of the property and effects of such corporation, and to use and appropriate the same as shall be directed, and deemed for the best interest of those concerned; and, in the name of said corporation, to collect, sue for and recover the debts and demands that may be due, and the property that may belong to such corporation, who shall, in all respects, be subject to the control of such court, and under such bonds, liabilities, and penalties as such court may deem necessary and proper; and such proceedings shall be conducted according to the usual practice in courts of chancery; and such receiver, or receivers, shall possess all the powers and authority, and be subject to all the obligations and duties conferred and imposed upon receivers in chancery, in proceedings against copartnerships, or where copartners are parties.

SEC. 4. Whenever a judgment at law, or decree in equity, shall be obtained against any such corporation, and an execution issued thereon shall have been returned unsatisfied, in part or in whole, and without property found wherewith to satisfy the same, upon the petition in chancery of the person obtaining such judgment or decree, or his or her representatives, it shall be the duty of the court of common pleas, or supreme court in chancery, to sequester the stock, property, things in action, and effects of such corporation, and to appoint a receiver or receivers of the same, under such bonds, conditions, and penalties as such court may deem necessary and proper; and, upon a final decree upon any such petition, such court shall cause, after the payment of the costs of such proceedings, a just and fair distribution of the property, effects, &c., of such corporation, and of the proceeds thereof, to be made among the fair and honest creditors of such corporation, in proportion to their debts, respectively, having due regard to any priority of liens which may exist.

On return of execution unsatisfied court to sequester stock, property, &c.;

—And make distribution.

SEC. 5. That if any such application be made by, or on behalf of, any creditor of such corporation, whose directors or stockholders are liable, in their individual capacities, for the payment of the debt of such creditor, in any event or contingency, such directors or stockholders may be made parties to the bill or petition, either on the filing thereof, or at any subsequent stage of the proceedings, or by supplemental bill after a decree, whenever it shall become necessary to enforce such liability.

In cases of individual liability, what proceedings to be had.

SEC. 6. Whenever any creditor of such corporation shall seek to charge the directors, trustees, or other superintending officers or stockholders thereof, on account of any liability by them incurred, or created by law, he may proceed against them, either severally or jointly, in the action of debt or assumpsit, and the court of common pleas, and supreme court, shall possess jurisdiction to enforce such liability.

Defendants may be proceeded against, either jointly or severally.

SEC. 7. Whenever any bill or petition shall be filed, and application made, against any such corporation, its directors, other officers, or its stockholders, according to the provisions of this act, the court may, by injunction, on the application of either party, and at any stage of the proceedings, restrain all proceedings at law by any creditor against the defendants in such suit; and, whenever it shall appear necessary and proper, may order notice to be published, in such manner as the court shall direct, requiring all the creditors of such corporation to exhibit their claims and become parties to the suit, within a reasonable time, not less than six months from the first publication of such order, and in default thereof, to be precluded from all benefit of the decree which shall be made in such suit, and from any distribution which shall be made under such decree.

Court may restrain proceedings at law.

VISITORIAL POWERS.

SEC. 8. That the court of common pleas and supreme court shall, upon bill or petition, at the instance of any prosecuting attorney, or at the instance of any creditor, or stockholder, have visitorial jurisdiction and powers over the directors, managers, or other trustees, or officers of all incorporations in this state of every description:

To compel to account.

First: To compel them to account for their official conduct in the management and disposition of the funds and property committed to their charge.

To compel payment.

Second: To decree and compel payment by them, to the corporation whom they represent, and to its creditors, of all sums of money, and of the value of all property, which they may have acquired to themselves, or transferred to others, or may have lost or wasted, by any violation of their duties as such trustees or officers.

To suspend officers.

Third: To suspend any such trustee or officer from exercise of his office or trust, whenever it shall appear that he has abused the same.

To remove officers.

Fourth: To remove any such trustee or officer from his office or trust upon proof or conviction of gross misconduct.

To set aside alienations of property.

Fifth: To set aside all alienations of property made by the officers or trustees of any corporation, contrary to law, or for purposes foreign to the lawful business and objects of such corporation, in cases where the person receiving such alienation knew the purpose for which the same was made; and,

To restrain and prevent alienations.

Sixth: To restrain and prevent any such alienation, in cases where it may be apprehended, from good reason, that it will be made.

OTHER REGULATIONS.

All subsequent corporations to be subject to alterations, repeal, &c.

SEC. 9. That the charter of every corporation of every description, whether possessing banking powers or not, that shall hereafter be granted by the legislature, shall be subject to alteration, suspension and repeal, in the discretion of the legislature; provided that no such charter shall be granted, unless notice of the intended application for the same shall have been published for at least thirty days before presentation, in some newspaper published in the county where the proposed corporators reside, or of general circulation therein.

In private corporations, stockholders, &c., to be individually liable.

SEC. 10. That the directors, or managers, and stockholders of every private incorporation hereafter incorporated, shall not be exempted from liability in their natural and individual capacity, but, for all acts done, or liabilities incurred by, or on behalf of, any such corporation, the stockholders, directors, or managers thereof, shall be held jointly and severally liable in their individual and natural capacity; provided, that for all acts done, or liabilities incurred by, or on behalf of, any such corporation, suit shall first be brought, judgment recovered,

and execution issued against any such corporation; but if execution upon any judgment, or decree, against any such corporation, shall be returned unsatisfied, in whole or in part, a writ of scire facias may be issued from the court wherein such judgment or decree was recovered, to any county in this state, against any person or persons, who, when such suit was commenced, were liable as stockholders, directors, or managers of such corporation, and who, upon the return of such writ served, shall be liable to be made parties defendants to such judgment or decree, for the purpose of enforcing the payment of the same; and every transfer or assignment of stock by any such stockholder, director, or manager, made with a view to the insolvency of any such corporation, or for the purpose of evading the payment of any of its debts, shall be absolutely void; and, provided further, that in all corporations of a private nature, incorporated for purposes exclusively religious, charitable, or literary, the directors, trustees or managers, by whatever name they may be called, shall be individually liable for all debts of such corporations contracted during their continuance in office, but the other members of said corporations shall not be held thus individually liable.

Mode of proceeding.

Proviso in religious societies.

SEC. 11. The term stockholders, as used in the tenth section of this act, shall extend to any equitable owner of stock appearing on the books of any such corporation, in the name of another person, and to every person who shall have advanced the purchase money of any shares of stock, standing in the name of his wife, or any of his children under the age of twenty one years; but no person holding stock as an executor or administrator, or, as guardian or trustee, appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock, under the age of twenty one years, shall be individually responsible on account of the shares so held.

Who shall be deemed stockholders.

SEC. 12. If any loss of the capital stock, or other funds, or property of any such corporation, shall be caused by official mismanagement, or the abuse of power of such corporation on the part of the president, directors, managers, or officers thereof, or either of them, the person or persons, by whose mismanagement or abuse of power such loss occurred, shall be liable in his or their individual capacity, to the corporation or the stockholders, for all damages sustained by any such mismanagement and abuse.

Officers liable for loss, &c.

SEC. 13. Any stockholder or stockholders that shall be made party defendant to a judgment, and shall pay the same, as provided for in the tenth section of this act, or any part thereof, may have an action, as for money paid, against any other stockholder or stockholders of any such corporation, and shall recover from him or them, in such action, his or their just proportion of the sum or sums so paid; provided that, before resorting to such action, any stockholder or stockholders that

Individual stockholders, paying on account of corporation, may have action against others, &c.

may have paid, or been compelled to pay, any judgment against any such corporation, may take out an execution thereon, for his own use, and collect from such corporation the amount so paid by him or them.

Who shall be the managers or trustees of expired corporations.

SEC. 14. Upon the dissolution, by the expiration of the term of its charter, or otherwise, of any corporation now existing, or hereafter created, and unless other persons shall be appointed by the legislature, or by some court of competent authority, the directors or managers of the affairs of such corporation, acting last before the time of its dissolution, by whatever name they may be known in law, and the survivors of them, shall be the trustees of the creditors and stockholders of the corporation dissolved, and shall have full power to settle the affairs of the same, collect and pay the outstanding debts, and divide among the stockholders the moneys and other property that shall remain, in proportion to the stock of each stockholder paid up, after the payment of debts and necessary expenses; and the persons, so constituted trustees, shall have authority to sue for and recover the debts and property of the dissolved corporation, by the name of the trustees of such corporation, describing it by its corporate name, and shall be jointly and severally responsible to the creditors and stockholders of such corporation, to the extent of its property and effects that shall come into their hands; and no suit against any such corporation shall abate in consequence of such dissolution; and said trustees may be made parties thereto by scire facias; and all liens of judgments and decrees of any court of chancery existing at the time of such dissolution, either in favor or against such corporation, shall continue in force in the same manner as if such dissolution had not taken place; provided, that in case of the death, resignation, inability or refusal to act, of the directors or managers aforesaid, or the survivors thereof, the court of common pleas of the proper county may, on the application of any person interested, appoint trustees to fill the vacancy, with full power to perform the duties aforesaid.

Suits not to abate.

Court to fill vacancies.

RUFUS P. SPALDING,

Speaker of the House of Representatives.

JAMES J. FARAN,

Speaker of the Senate.

March 7, 1842.

AN ACT

To provide for the valuation and sale of the Canal Lands belonging to the State of Ohio, and also to amend the acts now in force in relation thereto.

Manner of sale.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That all lands heretofore granted by congress to the state of Indiana, to aid in the constructing of the Wabash and*

Erie Canal, and ceded by the State of Indiana to the State of Ohio, to aid in the construction of that part of the Wabash and Erie Canal within the limits of the State of Ohio, and all lands granted by Congress to the State of Ohio, to aid in the extension of the Miami Canal north of Dayton, that have heretofore been selected, and now remain unsold, shall be sold as hereinafter directed.

SEC. 2. That the governor furnish, or cause to be furnished, to the register of each of the land offices within the districts in which said lands are situated, at least twenty days before the date of the first sale, accurate copies of the maps or plats of such lands now in his office, designating thereon such lands as have been selected by the State of Ohio, under the respective grants, the selections of which have been confirmed; upon which maps or plats the register shall forthwith proceed to designate the tracts that have been heretofore sold, and those remaining unsold, and subject to sale under the provisions of this act.

Governor to furnish maps, &c.

SEC. 3. That upon the passage of this act, the governor shall issue his proclamation, appointing a day for the sale of the canal lands lying in the Maumee land district, at the Maumee land office, and for the sale of the canal lands lying in the Lima land district, at the Lima land office, provided the day appointed for the commencement of said sales shall be at least two weeks apart; and said sales shall be kept open from day to day, until all the lands in the respective districts shall have been offered for sale; and said proclamation shall specify the terms of sale, and shall be published in the Ohio Statesman and Ohio State Journal, printed in the city of Columbus, and in all newspapers published in the counties where any of said lands are situated, and in such other newspapers published in this state, or elsewhere, not exceeding ten, as the governor shall deem expedient and proper, for at least six consecutive weeks previous to such sales.

Governor to issue a proclamation of sale;

—manner of publication

SEC. 4. That if, after such lands shall have been so offered for sale as aforesaid, there shall remain, in said districts, or either of them, any lands unsold, it shall be the duty of the governor to issue his proclamation, giving notice as aforesaid, for sales of said lands so remaining unsold, from time to time, in said land districts, respectively, at periods of three months from the first day of the first sales, in said land districts, respectively; and so on, from time to time, until all said lands shall have been sold; provided, no such sale shall be held between the fifteenth day of November and the fifteenth day of May.

In case lands remain unsold, Governor to issue proclamation.

SEC. 5. That the register of the proper land office shall, on the day specified in the proclamation of the governor, as hereinbefore provided for, proceed to offer the aforementioned lands, at public outcry, to the highest bidder, in half quarter sections, or such smaller tracts as may remain unsold, for

Mode of conducting sale.

cash, in gold or silver coin, or in notes of specie paying banks, or bonds of the state which may be issued for that purpose; and no bid shall be received, nor any lands sold, for less than the appraised value thereof, nor in any case for less than two dollars and fifty cents per acre; provided that such parts of sections nineteen, thirty, thirty one, thirty two, and thirty three, in township five, south, range three, east, and section thirty six, township five, south, of range two, east, as belong to the state, shall not be sold at a less price than four dollars per acre.

Duties of register and receiver.

SEC. 6. That any purchaser or purchasers, under the provisions of this act, shall make payment therefor, on the day of such purchase, according to the terms of sale, to the receiver of public moneys for the proper district, taking from the receiver duplicate receipts for the money so paid, one of which shall be lodged with the register of the proper land office, who, on comparing said receipts with the lists of sales and books in his office, shall give to the purchaser a certificate, specifying the date of sale, the name of the purchaser, the description of the land sold, and the manner of making the assignment of said certificate, which shall entitle the purchaser, or the assignee of the purchaser, to a deed in fee simple for such tract of land, to be executed according to the laws now in force providing for the sale and conveyance of said lands.

Further duties of registers and receivers.

SEC. 7. That the registers and receivers shall attend all the sales within their respective districts, and conduct the sales of said lands; and the receivers shall, within twenty days from the close of any such sale, pay into the state treasury all moneys received at such sale; and the receivers and registers, and all other officers of state, in making and conducting the sale of such lands, and payment of money, and making deed therefor, and in discharge of all other duties essential to carry into effect the provisions of this act, shall be governed by this act, and such other laws, now in force, regulating the sale of said lands, not contrary to any of the provisions of this act.

Net proceeds—how applied.

SEC. 8. That the net proceeds of all sales herein provided for, shall be applied to the payment of debts already contracted, upon the respective works to which said lands are specifically appropriated, and in completion of the same, and to no other use or purpose whatever.

Commission of officers on moneys received.

SEC. 9. That the registers and receivers of public moneys of the state land offices, in this state, shall be entitled to receive for their services, each, one per centum on all moneys received at public sales of said lands, within their respective land districts, and no more; provided, that in no case shall any one of the said officers receive for their services more than five hundred dollars per annum; and, provided further, that if the amount of per centage at any one of such sales shall exceed the ratio which the number of sales in any one year will bear to the said sum of five hundred dollars, then said regis-

ters or receivers shall not be allowed to deduct, nor the auditor of state to allow, at that time, a greater amount of compensation than the ratio aforesaid.

SEC. 10. That if any person, being the highest bidder at a public sale of a tract of land, shall fail to make payment therefor on the day on which the same was purchased, according to the terms of the sale, the tract shall again be offered for sale, to the highest bidder, and the person so bidding, and failing to make payment, shall not be capable of becoming the purchaser of that, or any other tract offered at said sale.

Persons failing to make payment not permitted to bid a second time.

SEC. 11. That no member of the board of public works, board of canal fund commissioners, or register or receiver of any of the state land offices in this state, shall, whilst continuing in office, purchase any of the canal lands, at any sale hereafter held under the provisions of this act, or any existing laws now in force, or be in any manner, directly or indirectly, interested in the purchase thereof.

Certain persons not to purchase.

SEC. 12. That it shall be the duty of the board of public works to make selection of such lots of land as may be necessary to the use of any water power which may be created by the Wabash and Erie canal, or the Miami canal, or feeders, or reservoirs therewith connected, and any other lots which may be necessary to supply timber for the construction and repair of the canal, and to furnish the register of the proper land office a list of all such selections, before the day fixed for the sale of any such lands; and such selection shall, thereupon, be entered upon record by the register, and reserved for sale; and the state hereby reserves the right to make the canals through the lands sold, under the authority of this act, clear of all claims for damages done to said lands.

Board of public works to select certain tracts for the use of the state.

SEC. 13. That the certificates of purchase of any tracts of land, made to any purchaser, are hereby made assignable, so as to vest in the assignee, his, her, or their heirs and assigns, the same interest and right to said lands as the original purchaser had therein, provided such assignment be made in writing, in the presence of at least one subscribing witness.

Certificates of purchase assignable.

SEC. 14. That said land, when sold, shall be taxable, and it shall be the duty of the auditor of state, on or before the first day of March, in every year, to forward a list of all lands, sold the preceding year, to the county auditor of the county in which such lands are situate, and the county auditor shall cause such lands to be appraised by the county or township assessor of his county, and returned and taxed on the duplicate as other lands under new entries are appraised and taxed.

Land to be taxable.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, OHIO, *May 7, 1842.*

I certify the foregoing acts to be true copies of the original
rolls on file in this department.

JOHN SLOANE,
Secretary of State.

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An act to incorporate the Jackson Mill Company, passed March 5 1842, O. L. vol. 40, page 107.

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An act for the relief of John Erb, Jacob Warner and Mark W. Babb, passed March 7, 1842, O. L. vol. 40, page 183.

An act to change the name of Ossian B. D. Coates, passed January 5, 1842, O. L. vol. 40, page 6.

An act to restore Leonard L. Bush, to his legal rights and privileges, passed February 26, 1842, O. L. vol. 40, page 44.

An act for the relief of certain securities, passed February 26, 1842, O. L. vol. 40, page 43.

An act to authorize the executor of the estate of Robert McConnell to convey certain lots in the town of McConnellsville, and for other purposes, passed March 5, 1842, O. L. vol. 40, page 102.

An act to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, and others, passed January 21, 1842, O. L. vol. 40, page 13.

An act to confirm and legalize the name of Joseph A. Roof, passed February 15, 1842, O. L. vol. 40, page 35.

An act to repeal a part of the act entitled, an act for the relief of Stephen D. Cutler, and others, passed March 25, 1841—passed February 4, 1842, O. L. vol. 40, page 22.

An act for the relief of Jacob Darner, passed March 5, 1842, O. L. vol. 40, page 101.

An act for the relief of Susannah McGrew, passed March 5, 1842, O. L. vol. 40, page 101.

An act for the relief of Fitzaland Jennings, of Scott township, Sandusky county, passed February 28, 1842, O. L. vol. 40, page 66.

RAILROAD COMPANIES.

An act to incorporate the Seneca Railroad Company, passed March 5, 1842, O. L. vol. 40, page 109.

An act to incorporate the Hanover and Wellsville Railroad company, passed March 7, 1842, O. L. vol. 40, page 190.

An act to amend the act entitled, an act to incorporate the Vermillion and Ashland Railroad company, passed March 23, 1837, passed March 7, 1842, O. L. vol. 40, page 175.

SCHOOLS.

An act to incorporate the Ohio Conference High School, in the town of Springfield, Clark county, passed March 7, 1842, O. L. vol. 40, page 114.

An act to incorporate the Bath High School, in Bath, Summit county, passed March 7, 1842, O. L. vol. 40, page 119.

SCHOOL LANDS.

An act to authorize the sale of the residue of section sixteen, in township twelve of range fifteen, in the county of Athens, passed January 5, 1842, O. L. vol. 40, page 3.

An act to alter certain school district, in Bucyrus township, in Crawford county, passed February 26, 1842, O. L. vol. 40, page 37.

An act to authorize the trustees of school section sixteen, in Hopewell township, Seneca county, to lease said school lands, passed February 26, 1842, O. L. vol. 40, page 36.

An act to authorize the sale of certain school lands, in Washington township, Marion county, passed March 5, 1842, O. L. vol. 40, page 86.

An act to authorize the directors of school district, No. 10, in Falls township, Muskingum county, to sell a part of their school house lot, passed February, 7, 1842, O. L. vol. 40, page 24.

An act to authorize the sale of section sixteen, in Tymochtee township, Crawford county, passed March 3, 1842, O. L. vol. 40, page 81.

An act to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest, and southwest, and southeast quarters of school section sixteen, in said township, in the county of Perry, passed March 7, 1842, O. L. vol. 40, page 124.

An act making special provisions for the sale of section twenty nine, in Sycamore township, in Hamilton county, passed March, 7, 1842, O. L. vol. 40, page 126.

An act to authorize the sale of school section sixteen, in Madison township, Sandusky county, passed March 7, 1842, O. L. vol. 40, page 198.

An act making special provisions for the sale or revaluation of section sixteen, range twenty nine, in Mill Creek township, Hamilton county, passed March 7, 1842, O. L. vol. 40, page 140.

An act to authorize the sale of school section sixteen, in Union township, Putnam county, passed March 7, 1842, O. L. vol. 40, page 150.

An act to authorize the sale of school section sixteen, in Townsend township, in Sandusky county, passed March 7, 1842, O. L. vol. 40, page 141.

An act to authorize the sale of school section sixteen, in Clinton township, Lucas county, passed March 7, 1842, O. L. vol. 40, page 128.

An act to authorize the sale of school section sixteen, in Jackson township, Hancock county, passed March 7, 1842, O. L. 40, page 165.

An act to authorize the sale of school section sixteen, in Brady township, Williams county, passed March 7, 1842, O. L. vol. 40, page 144.

An act to authorize the sale of school section sixteen, in Chatfield township, Crawford county, and also to repeal an act to provide for the sale of section sixteen, in township number one, in range seventeen, in Crawford county, passed March 23, 1837—passed March 5, 1842, O. L. vol. 40, page 89.

An act to extend the time for the appraisal of school section sixteen, in Roy-alton township, Lucas county, passed March 5, 1842, O. L. vol. 40, page 108.

An act to authorize the levy of an additional tax on school district, No. 2, in Rome township, in the county of Ashtabula, passed February 28, 1842, O. L. vol. 40, page 48.

An act to authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson, passed March 7, 1842, O. L. vol. 40, page 135.

An act to authorize the surrender of the residue of section sixteen, in township seven of range five, in Belmont county, passed March 5, 1842, O. L. vol. 40, page 158.

An act providing for the sale of the residue of section 26, in Columbia township, Meigs county, passed March 7, 1842, O. L. vol. 40, page 137.

An act to amend an act entitled, an act to authorize the trustees of Troy township, Richland county, to lay off a new school district, passed March 29, 1841—passed March 5, 1842, O. L. vol. 40, page 89.

An act to revive the act entitled, an act to provide for the sale of section sixteen, granted by Congress for the use of schools, passed January 29, 1827, so far as relates to the surrender of leases, and taking of deeds for the purpose of enabling the lessees on section sixteen, fractional township four, second fractional range of townships, in the Miami purchase, to surrender their leases and take deeds, passed March 7, 1842, O. L. vol. 40, page 138.

STATE ROADS.

An act to lay out and establish a state road in the counties of Lucas, Ottawa and Sandusky, passed February 12, 1842, O. L. vol. 40, page 28.

An act to lay out and establish a state road in the counties of Williams and Lucas, passed March 5, 1842, O. L. vol. 40, page 92.

An act to lay out and establish a state road in the counties of Holmes, Wayne and Stark, passed March 7, 1842, O. L. vol. 40, page 147.

An act to lay out and establish a state road in the counties of Morgan and Muskingum, passed March 5, 1842, O. L. vol. 40, page 106.

An act to lay out and establish a state road in the counties of Fayette, Madison, Pickaway and Franklin, passed March 5, 1842, O. L. vol. 40, page 106.

An act to lay out and establish a state road in the counties of Harrison and Guernsey, passed February 7, 1842, O. L. vol. 40, page 24.

An act to lay out and establish a state road in the counties of Williams, Henry and Hancock, passed March 7, 1842, O. L. vol. 40, page 147.

An act to lay out and establish a state road in the counties of Monroe, Morgan and Washington, passed March 5, 1842, O. L. vol. 40, page 94.

An act to lay out and establish a state road in the counties of Muskingum and Coshocton, passed March 7, 1842, O. L. vol. 40, page 148.

An act to lay out and establish a state road in the counties of Washington and Monroe, passed March 5, 1842, O. L. vol. 40, page 93.

An act to lay out and establish a state road in the counties of Delaware and Knox, passed March 7, 1842, O. L. vol. 40, page 149.

An act to lay out and establish a state road in the counties of Meigs and Athens, passed March 7, 1842, O. L. vol. 40, page 201.

An act to authorize and enable the county commissioners of the county of Hamilton to make a graded road from the town of Carthage, in said county, to the head of Vine street, in the city of Cincinnati, passed March 7, 1842, O. L. vol. 40, page 130.

An act to lay out and establish a state road from the Ohio River, opposite Parkersburg, Virginia, to Chillicothe, in Ross county, passed March 7, 1842, O. L. vol. 40, page 200.

An act to lay out and establish a state road in the counties of Erie, Lorain and Huron, passed February 12, 1840, O. L. vol. 40 page 27.

An act to lay out and establish a state road in the counties of Jefferson and Harrison, passed February 12, 1840, O. L. vol. 40, page 26.

An act to lay out and establish a state road in the counties of Knox and Coshocton, passed February 12, 1842, O. L. vol. 40, page 25.

An act to lay out and establish a state road in the counties of Hardin, Marion and Union, passed February 12, 1842, O. L. vol. 40, page 26.

An act to lay out and establish a state road in the counties of Harrison and Belmont, passed February 28, 1842, O. L. vol. 40, page 54.

An act to lay out and establish a state road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county, passed March 7, 1842, O. L. vol. 40, page 146.

An act to lay out and establish a state road in the counties of Holmes, Knox and Marion, passed March 5, 1842, O. L. vol. 40, page 91.

An act to vacate part of the state road running from the southeast corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the county line road, passed February 26, 1842, O. L. vol. 40, page 37.

An act to provide for the improvement and repair of a certain road in Hamilton county, passed February 26, 1842, O. L. vol. 40, page 38.

An act to alter a certain state road in Allen and Putnam counties, passed February, 28, 1842, O. L. vol. 40, page 53.

An act to review and locate so much of the state road leading from Mount Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek, and Glenn's Run, passed February 28, 1842, O. L. vol. 40, page 49.

SEATS OF JUSTICE.

An act to confirm and establish the seat of Justice for Williams county, passed January 27, 1842, O. L. vol. 40, page 18.

An act to establish permanently the seat of Justice for Summit county, passed March 2, 1842, O. L. vol. 40, page 78.

SHERIFFS.

An act allowing the Sheriff of Muskingum county, additional time to return process, passed March 5, 1842, O. L. vol. 40, page 92.

INCORPORATED TOWNS.

An act to incorporate the town of Port Jefferson, in Salem township, in Shelby county, passed February 15, 1842, O. L. vol. 40, page 33.

An act to incorporate the town of Benton, in Holmes county, passed February 28, 1842, O. L. vol. 40, page 64.

An act to incorporate the town of Rosseau, in Morgan county, passed March 7, 1842, O. L. vol. 40, page 160.

An act to incorporate the town of Waverly, in Pike county, passed January 27, 1842, O. L. vol. 40, page 17.

An act to incorporate the town of Jamestown, in Greene county, passed March 5, 1842, O. L. vol. 40, page 94.

An act to incorporate the town of Albany, in Athens county, passed February 28, 1842, O. L. vol. 40, page 65.

An act to incorporate the town of Pleasant Valley, in Madison county, passed February 15, 1842, O. L. vol. 40, page 33.

An act to incorporate the town of Dover, in Tuscarawas county, passed March 5, 1842, O. L. vol. 40, page 98.

An act to incorporate the town of Galion, in the county of Richland, passed February 28, 1842, O. L. vol. 40, page 65.

An act to incorporate the town of Antrim, in Guernsey county, passed February 15, 1842, O. L. vol. 40, page 34.

An act to incorporate the town of Lima, in Allen county, passed February 28, 1842, O. L. vol. 40, page 66.

An act to incorporate the town of Troy, in Miami county, and to repeal all laws now in force, in relation thereto, passed March 7, 1842, O. L. vol. 40, page 131.

An act to incorporate the town of Malta, in Morgan county, passed March 7, 1842, O. L. vol. 40, page 176.

An act to incorporate the town of Jackson, in Jackson county, passed March 5, 1842, O. L. vol. 40, page 97.

An act to incorporate the town of Tiffin, in Seneca county, passed March 7, 1842, O. L. vol. 40, page 177.

An act to incorporate the town of West Rushville, in Fairfield county, passed January 27, 1842, O. L. vol. 40, page 21.

An act to incorporate the town of South Solon, in Madison county, passed February 12, 1842, O. L. vol. 40, page 28.

An act to extend the corporate limits of the town of Bainbridge, in Ross county, for certain purposes, passed March 5, 1842, O. L. vol. 40, page 96.

An act to incorporate the town of Bourneville, passed March 5, 1842, O. L. vol. 40, page 95.

An act to authorize the sale of the public square in the town of Jacksonville, in Adams county, for the purposes therein named, passed March 5, 1842, O. L. vol. 40, page 103.

An act to vacate part of the town of Dingmansburg, in Shelby county, passed January 21, 1842, O. L. vol. 40, page 14.

An act to extend the corporate limits of the town of Higginsport, in Brown county, passed January 27, 1842, O. L. vol. 40, page 20.

An act to amend the act incorporating the town of Felicity, in Clermont county, passed February 4, 1842, O. L. vol. 40, page 22.

An act further to amend the act entitled an act to incorporate the city of Ohio, passed March 7, 1842, O. L. vol. 40, page 178.

An act to amend the act to incorporate the town of Addison, in the county of Champaign, passed March 5, 1842, O. L. vol. 40, page 97.

An act further to amend the act entitled an act to incorporate the town of Milan, passed February 23, 1833—passed March 7, 1842, O. L. vol. 40, page 171.

An act further to amend the act to incorporate the town of Salem, in Columbiana county, passed March 5, 1842, O. L. vol. 40, page 180.

An act to amend the act entitled an act to incorporate the town of Covington, in Miami county, passed March 7, 1842, O. L. vol. 40, page 167.

An act to amend an act entitled an act to incorporate the town of New Lisbon, in Columbiana county, passed February 28, 1842, O. L. vol. 40, page 69.

An act to amend an act entitled an act to incorporate the town of Reynoldsburg, in Franklin county, passed March 7, 1842, O. L. vol. 40, page 181.

An act to amend an act entitled an act to incorporate the town of Lebanon, in Warren county, passed March 5, 1842, O. L. vol. 40, page 179.

An act to amend the act entitled an act to incorporate the town of Athens, passed January 25, 1842, O. L. vol. 40, page 16.

An act to amend an act entitled an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 7, 1842, O. L. vol. 40, page 143.

An act for the relief of the Mayor, Recorder, and Trustees of the town of Dresden, in Muskingum county, passed March 5, 1842, O. L. vol. 40, page 97.

An act to change the name of the town of Waynesburg, in Wayne county, passed February 4, 1842, O. L. vol. 40, page 23.

An act to vacate Vinton street, in the town of Miamisburg, Montgomery county, passed March 5, 1842, O. L. vol. 40, page 99.

An act to amend the act amendatory of an act to incorporate the town of Wellsville, in Columbiana county, passed February 12, 1842, O. L. vol. 40, page 30.

An act to change the name of the town of Petersburg, in Richland county, passed March 7, 1842, O. L. vol. 40, page 176.

An act to incorporate the town of Mount Eaton, in Wayne county, passed March 7, 1842, O. L. vol. 40, page 156.

An act to repeal the act incorporating the town of Hillsborough, in Highland county, passed February 26, 1842, O. L. vol. 40, page 42.

An act concerning elections in the township of Cleveland, passed February 26, 1842, O. L. vol. 40, page 40.

TURNPIKE ROADS.

An act to incorporate the Dayton and Piqua Turnpike Road company, passed March 7, 1842, O. L. vol. 40, page 157.

An act to incorporate the Dayton, Germantown and Middletown Turnpike company, passed March 7, 1842, O. L. vol. 40, page 188.

An act to incorporate the Little York and Fredericktown Turnpike company, passed March 7, 1842, O. L. vol. 40, page 163.

An act to incorporate the Montgomery Turnpike company, passed February 28, 1842, O. L. vol. 40, page 74.

An act to incorporate the Troy and Stillwater Turnpike company, passed March 7, 1842, O. L. vol. 40, page 187.

An act to incorporate the Euphemia, Lewisburg and West-Alexandria Turnpike Road company, passed March 7, 1842, O. L. vol. 40, page 195.

An act to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line, passed February 26, 1842, O. L. vol. 40, page 46.

An act to establish a free turnpike road from Lima, in Allen county, to Perrysburg, in Wood county, passed March 7, 1842, O. L. vol. 40, page 192.

An act supplementary to the act entitled an act to incorporate the Circleville and Washington Turnpike company, passed March 7, 1842, O. L. vol. 40, page 172.

An act to amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike company," passed February 19, 1833, and the act amendatory thereto, passed March 7, 1842, O. L. vol. 40, page 194.

An act to amend the act entitled "an act to incorporate the Jefferson, South Charleston and Xenia turnpike company," passed March 5, 1838—passed March 7, 1842, O. L. vol. 40, page 116.

An act to amend an act entitled "an act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 7, 1842, O. L. vol. 40, page 196.

An act to authorize the commissioners of Hamilton county to purchase part of the Cincinnati and Harrison Turnpike Road, passed March 7, 1842, O. L. vol. 40, page 198.

An act to authorize the Portsmouth and Columbus Turnpike company to build a toll bridge across the Scioto river, at Piketon, passed March 5, 1842, O. L. vol. 40, page 112.

An act to suspend the sixth section of the act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and the third section of an act amendatory thereto, so far as said sections affect the township of Monroe, in Logan county, passed February 28, 1842, O. L. vol. 40, page 76.

UNIVERSITIES.

An act to incorporate the Trustees of the Ohio Wesleyan University, passed March 7, 1842, O. L. vol. 40, page 111.

An act to incorporate the Lafayette University, at New Carlisle, in Clark county, passed March 7, 1842, O. L. vol. 40, page 119.

An act to amend the act establishing the Miami University, and appointing trustees for the same, passed March 7, 1842, O. L. vol. 40, page 123.

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